### **AGENDA**

### COMMITTEE ON LANDS AND BUILDINGS

August 22, 2006 Aldermen Thibault, Smith, Forest, Roy, Long 5:00 PM Aldermanic Chambers City Hall (3<sup>rd</sup> Floor)

- 1. Chairman Thibault calls the meeting to order.
- 2. The Clerk calls the roll.
- 3. Communication from Mayor Guinta requesting staff prepare recommendations relating to placing out to competitive/sealed bid parcels located on Granite Street, Phillippe Cote Way and the Seal Tanning parking lot as requested by David Brady of Brady-Sullivan.

  (Note: previous reports enclosed for informational purposes.)

  Gentlemen, what is your pleasure?
- 4. Preliminary discussion requested by Alderman Duval of proposed beautification efforts to the former site of the West Street Fire Station on behalf of nearby residents.

Gentlemen, what is your pleasure?

5. Communication from Tom Remillard, Principal of Building Networks LLC, regarding potential clients submitting proposals for cell phone antenna at 223 James Pollock Drive (school property) and Derryfield Park. Gentlemen, what is your pleasure?

### TABLED ITEMS

A motion is in order to remove the following items from the table for discussion.

6. Communication from Gerald Hebert, Sr., requesting to purchase Lots 246-3, 6 & 7 on Page Street between London and Bridge Streets. (Note: tabled 07/19/2005. Communications from the Board of Assessors and Planning enclosed.)

7. Communication from City Solicitor Clark enclosing a communication from the State of NH Department of Transportation requesting to purchase City land for the proposed Manchester Airport Access Road.

Notes:

11/21/2005 - referred to Airport requesting report back and requested Planning and Tax to determine whether or not property is surplus to City needs.

02/21/2006 - tabled.

03/13/2006 - Planning recommended it be determined surplus to City needs due to the unique circumstances involved noting the Committee may find suitable public purpose for selling the property to the state.

07/14/06 – Airport Director requesting consent and approval, as Airport Director, to sell certain parcels of land to the NHDOT in order to comply with FAA Rules and Regulations.

08/14/2006 – Assessors advises NHDOT will be performing the appraisals. Upon completion, the Assessors will review appraisals in accordance with the Surplus City Property Policy.

08/16/2006 - Planning recommends that all parcels owned by the City and associated with this request be declared surplus to City needs and appropriate to sell to the NHDOT.

- 8. Communication from Paul J. Borek, Economic Development Director, regarding the Ash Street School property on Bridge Street.

  (Note: tabled 11/21/2005 pending report of School Board action.

  Enclosed is a copy of a resolution adopted by the School Board on 12/12/2005. Report dated 02/15/2006 submitted by the Director of Planning enclosed herein).
- 9. If there is no further business, a motion is in order to adjourn.

## City of Manchester



IN BOARD OF MAYOR & ALDERMEN

DATE: August 1, 2006

ON MOTION OF ALD.

Lopez

SECONDED BY ALD.

Roy

refer to the Committee on VOTED TO Lands and Buildings

OTTY CLERK

August 1, 2006

The Honorable Board of Aldermen One City Hall Plaza Manchester, NH 03101

Re: Seal Tanning Lot, Granite Street Lot & Phillippe Cote Way

Dear Members of the Honorable Board:

Yesterday my office received an official request from David Brady of Brady-Sullivan Properties requesting that the above referenced parcels, currently owned by the City of Manchester, be placed out for competitive, sealed bid. Having conferred with staff this morning about this matter, it is my recommendation that the Board refer this letter to the Committee on Lands & Buildings for its thoughtful consideration. Furthermore I am asking staff to concurrently prepare recommendations for the committee.

Sincerely,

Frank C. Guinta

Mayor



July 28, 2006

(HAND-DELIVERED)

The Honorable Mayor Frank C. Guinta Mayor of Manchester One City Hall Plaza Manchester, NH 03101

Dear Mayor Guinta:

Please accept this letter as affirmation of Brady Sullivan Properties' interest in pursuing the acquisition of certain City-owned properties located within the Historical Millyard District. More specifically, our interests include those properties located on Granite Street, Phillippe Cote Way and the Seal Tanning parking lot.

As property owners of the Waumbec Mill, a 450,000 square foot multiple-use mill complex located nearby the above-referenced subject properties, the critical lack of parking is jeopardizing our efforts to retain existing and procure additional Class A tenants. While this opinion is surely shared by other Millyard owners, we feel it is time for the City to seek out new partners who have a willingness to channel their creative planning resources and private monies to remedy this serious Millyard deficiency. The mere reshuffling of property ownership from municipal to private hands is not an economic development strategy in itself unless it contains specific and immediate initiatives to **create more available parking.** We at Brady Sullivan Properties stand willing to commit our resources to invest in the Millyard's future through the purchase of these properties by adding more structured parking above the at-grade parking tracts referenced-above.

We acknowledge the myriad of complexities, political and economic, that come with the disposition of these municipal assets. A number of fine Millyard buildings have been redeveloped and house businesses whose employees now park on these City-owned lands. Our interests would be to strategically increase the number of available parking spaces for the entire southerly portion of the Millyard through the phased construction of new spaces in structured facilities. We will work with businesses now utilizing these parking areas to protect their economic infrastructural base. Moreover, our professional management of the existing parking assets along with the addition of new structured parking will position us to become involved with other buildings within this neighborhood that are now threatened by demolition due to their dilapidated/deteriorating physical condition.

Given the above, we hereby request the City of Manchester offer the sale of the aforementioned City-owned properties by sealed bid. In doing so, this would ensure an economic return far exceeding that which has been recently considered. The true

The Honorable Frank C. Guinta July 28, 2006 Page 2

economic benefit of this approach will be realized in the future as market-inhibiting obstacles are diminished, allowing for the repositioning of the Millyard's built assets. Existing businesses will feel comfortable expanding their operations while new businesses will find the market ready to accommodate their needs.

As mentioned above, we at Brady Sullivan Properties will continue to commit ourselves to work hand-in-hand with the City of Manchester in finding broader solutions to our shared Millyard problems. While our Seal Tanning parking lot initiative would be a necessary first step in mitigating some of the parking shortages now experienced in the Millyard's southern tier properties, we remain steadfast in our desire to partner with the City in the development of the more centrally located Bedford Parking Lot site. The strategic development of this parcel is critical to the continued gentrification of the surrounding Millyard properties, as well as lending new parking infrastructure for future anticipated development on adjacent, underutilized parcels of land. The prospect of introducing new and exciting marketing opportunities within the heart of the Millyard can only be accomplished if the level of private investment is matched by the City's commitment to invest in creative economic development solutions.

We look forward to your deliberations on our proposal for the disposition of the Seal Tanning parking lot and surrounding municipal parcels as well as the initiation of negotiations relative to the Bedford Parking Lot.

Respectfully submitted,

David T. Brady

cc: Alderman Mark E. Roy

Alderman Theodore L. Gatsas

Alderman Patrick T. Long

Alderman Jerome Duval

Alderman Ed Osborne

Alderman Real R. Pinard

Alderman William P. Shea

Alderwoman Betsi L. DeVries

Alderman Michael Garrity

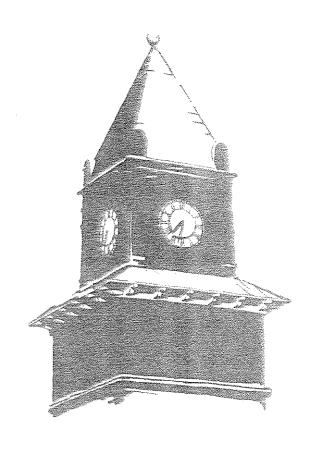
Alderman George Smith

Alderman Henry R. Thibault

Alderman Armand Forest

Alderman-At-Large Daniel P. O'Neil

Alderman-At-Large Mike Lopez



IN BOARD OF MAYOR AND ALDERMEN. MAY 16, 2006.

A TRUE RECORD. ATTEST.

CITY CLERK

### To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Lands and Buildings respectfully recommends, after due and careful consideration, that the Board find property known as the Seal Tanning Parking Lot, the Granite Street Parking Lot and land contained within Phillippe Cote Street be declared surplus to City needs and disposed of through sale to 1848 Associates, the abutter, at a price of \$635,500 as predetermined reasonable by outside appraisal and Board of Assessors subject to terms and conditions to be set forth in a Purchase and Sales Agreement enclosed herein.

The Committee notes that it finds just cause to sell such property to the abutter as sale will alleviate parking issues in the Millyard area without financial burden to the City and facilitate future rehabilitation of the Pandora Building.

The Committee recommends that Phillippe Cote Street be discontinued to assist with consummating the sale of all aforementioned properties and provide for the development of same, and that the Board of Mayor and Aldermen suspend the rules and refer such discontinuance to a Road Hearing to be scheduled by the City Clerk at the earliest convenient date without referral to the Committee on Community Improvement, and request the Public Works Director provide a report as soon as practicable to the City Clerk with regard to such discontinuance.

May 16, 2006.

In Board of Mayor and Aldermen. Failed on roll call.

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City Clerk

Respectfully submitted,

Clerk of Complittee

7/2/105-12

### TECHNOLOGY CENTER

February 21, 2006

Mr. Paul Borek City of Manchester Economic Development Office City Hall Manchester, New Hampshire 03101

Re: Granite Lot; Seal Lot; Phillippe Cote Street

Dear Mr. Borek:

Please allow this letter to serve as a formal request, on behalf of 1848 Associates, to purchase the above referenced parcels from the City of Manchester on the general terms and conditions listed below:

Price:

\$635,000.00, as previously discussed

Closing Date:

Will vary by parcel. We'd like to close on the Seal Lot as soon as possible. The Granite Lot and Phillippe Cote Street sales would close upon the approval of the street discontinuance and expiration of any and all appeal periods.

### Contingencies:

Subdivision Approval

• Issuance of a construction easement for the Granite Street Bridge Project through September 30, 2008, with the right to extend this term by nine (9) months provided that during any such extension, the City would provide reasonable alternative parking spaces equivalent to the number of spaces that would have been created in the construction easement area.

Our objectives for purchasing these parcels are two-fold: (i) to meet the short term parking needs of existing tenants in Gateway I, II, and III; and, (ii) to facilitate future rehabilitation of the Pandora Building. If these parcels are purchased, 1848 Associates will commit to add a parking deck to the Seal Lot at 1848 Associates expense. This will alleviate growing parking problems for Autodesk and Texas Instruments, without any financial burden on the City. Rehabilitation of the Pandora Building will require additional parking in the future and 1848 Associates assumes that such parking needs to be created privately, without financial burden to the City. This land purchase would facilitate such action.

Thank you for your attention to this matter and please feel free to contact me should you wish to discuss this further.

Sincerely,

Robert M. Tuttle General Partner

M. lattle



### City of Manchester Department of Highways

227 Maple Street Manchester, New Hampshire 03103-5596 (603) 624-6444 Fax # (603) 624-6487

Commission Edward J. Beleski - Chairman Henry R. Bourgeois William F. Kelley Michael W. Lowry William A. Varkas

Frank C. Thomas, P.E. Public Works Director

Kevin A. Sheppard, P.E. Deputy Public Works Director

### MEMORANDUM

Sean Thomas, Mayor's Assistant TO:

Paul Borek, Economic Development Robert MacKenzie, Director of Planning

FROM:

Frank C. Thomas, P.E. Public Works Director

February 6, 2006 DATE:

> #06-007 NO:

SUBJECT: Pandora - Sale of Parking Lots

The agreed upon selling for the two lots plus the street was \$635,500.

Enclosed is a summary of how we got the \$635,500 figure (speaking bullets for committee meeting). Also enclosed, is a letter from CLD that defines the savings to the City. Lastly, enclosed is a draft letter that I had prepared for the Committee of Lands and Buildings.

Give me a call if you have any questions pertaining to this matter.

/c

Encl.

### PANDORA PROPOSAL

• In the fall of 2004 we received bids for the Granite Street Widening Project. The bids were extremely high and were rejected.

• In talking with contractors we determined that the Project should be broken up in phases to reflect roadwork or bridgework. We also heard that there was a need for adequate staging/work area, especially, on the eastside.

• We made the decision to break the project into 3 phases. The first phase would be the westside and would be included in the States Interchange Project. The second phase would be the Granite Street Bridge Widening and work on the Granite Street Parking Lot. The final phase would be from Commercial Street easterly to Canal Street or Elm Street, based on available funds.

• In order to secure adequate staging, we approached Don Clark, because he was the major leaseholder of spaces in the Granite Street Lot and had control over the abandon Pandora Property. (Westside, State controlled.)

• Don Clark informed us that they had someone interested in the Pandora Property as a hotel and would like to discuss the purchase of both the Granite Street Lot and the Seal Tanning Lot and the discontinuance of Phillipe Cote Street. It was indicated that they would build decks on the lots to provide adequate parking.

• Mr. Clark assured us that staging issues would be worked out. In addition, if the project went forward the City would not have to build all the proposed retaining walls around the Granite Street Lot and would not have to excavate the lot as proposed. (Substantial project costs savings.)

• The City set up a Team to move the proposal forward. Team: Frank Thomas and Dennis Anctil, Highway, Kevin Clougherty and Randy Sherman, Finance, Bill Jabjiniak, Destination Manchester, Tom Clark, Solicitors, Bob MacKenzie, Planning, Steve Hamilton, Assessors and Mike Colby, Mayor's Office.

• The Proposal looked good to everyone in that the major development would increase the City's Tax Base, the developers would provide additional parking and the City would save construction costs on the Granite Street Project.

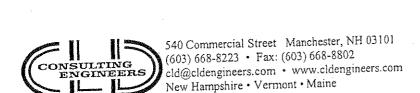
• The City's Parking Consultant noted to us that the City didn't need the two lots in question where they basically only provided parking to the direct abutters. They had no concerns over the City selling these lots.

• The City had an appraisal (Bramley), Clark had an appraisal (Fremeau) and a review appraisal was conducted by the City (Crafts). Crafts concluded that it would be appropriate to rely on fee simple value of the Fremeau appraisal

• The Fremeau Appraisal noted a value to the properties of \$1,920,000. The potential savings to the City was identified by City consultants at \$1,284,500 (Based on actual bids, the potential savings is \$1,540,500, which does not include any indirect savings due to having an adequate staging area.) See attached. The resulting net sale price was \$635,500.

### SUMMARY APPRAISALS – PANDORA AREA June 2, 2005

	Fremeau
Granite Street Lot	\$440,000
Seal Tanning Lot	\$850,000
Cote Street	\$630,000
Total	\$1,920,000
Potential Savings	(\$1,284,500)
Net Total	\$635,500



TO:

Francis C. Thomas, P.E.

FROM:

Roch D. Larochelle, P.E.

DATE:

July 25, 2005

RE:

Manchester 14025

Granite Street Widening

CLD Reference No. 00-0210

SUBJECT: Granite Parking Lot Redevelopment Costs

The purpose of this memo is to document and update the estimated value of certain construction costs associated with the proposed reconstruction of the City-owned parking lot known as the "Granite Lot", which is bounded by Granite, Commercial and Philippe-Cote Streets. As was first outlined in our memo dated February 2, 2005, the costs as outlined below would likely be eliminated/deducted from the ultimate cost of the City's Granite Street widening project given the event that the Granite Lot and adjacent Pandora building are privately redeveloped into a new use, including the construction of a new private parking garage.

As previously documented, anticipated City contract deducts would include the value of reconstruction of the Granite Lot (Jillian's Lot) including an extensive retaining wall system and associated work efforts along Granite, Commercial and Philippe-Cote Streets. In its place would stand a proposed parking deck that would be constructed adjacent to the newly constructed Granite Street Widening.

Given the recent bids that were accepted for the City's bridge project on July 20<sup>th</sup>, we have now taken the opportunity to review our original cost estimates to base them on current and actual prices. That being stated, the values noted below reflect adjustments made by evaluating and averaging the unit costs as presented by the four bidders for that project. It should be noted however that until a parking garage design is completed for the subject site, there remains some uncertainty in the value for the Granite Street retaining wall work until a design has been completed for the Pandora Parking Garage and the union between this structure and Granite Street can be better defined. Additionally, as was referenced in the original February 2005 memo, there are also other hard costs that have been identified by City staff that total approximately \$300,000 and relate to the future programmed maintenance and/or rehabilitation costs for the subject parking lot and Philippe-Cote Street.

The updated estimate potential cost-offset to the City's Granite Street project in anticipation of the proposed private development is summarized as follows:

Memorandum to Francis C. Thomas, P.E. CLD Reference No. 00-0210 July 25, 2005 Page - 2

Granite Lot Reconstruction:
 Retaining Wall Construction:
 \$500,000 (includes Philippe Cote St. Reconstruction)
 \$390,000 (Granite St. Sta. 116+67 to Commercial St.)

2. Retaining Wall Construction: \$320,000 (Commercial/Granite/Philippe Cote)
3. Retaining Wall Construction:

4. Future Maintenance Costs: \$10,500 (Philippe Cote Ave resurfacing)

5. Future Maintenance Costs: \$320,000 (Seal Tanning Lot resurfacing)

Subtotal: \$1,540,500

Based on the information provided herein, the value stated remains an approximate cost subject to final City approvals for the transfer of ownership for certain tracts of land as well as design engineering/project coordination for the proposed parking garage construction at the Granite Lot.

cc: Dennis Anctil City of Manchester Ken Rhodes CLD



### City of Manchester Department of Highways

227 Maple Street Manchester, New Hampshire 03103-5596 (603) 624-6444 Fax # (603) 624-6487 Commission Edward J. Beleski - Chairman Henry R. Bourgeois William F. Kelley Michael W. Lowry William A. Varkas

Frank C. Thomas, P.E. Public Works Director

Kevin A. Sheppard, P.E. Deputy Public Works Director

August 2, 2005 #05-070 DRAFT

Lands and Buildings Committee of the Alderman Henry R. Thibault, Chairman City Clerk's Office One City Hall Plaza, Manchester, New Hampshire 03101

Re: Pandora Proposal

Dear Alderman:

City staff supports the sale of the Granite Street Parking Lot, the Seal Tanning Parking Lot and the discontinuance and sale of Phillippe Cote Street for the following three main reasons:

1. Construction costs on the Granite Street Widening Project will be reduced by approximately \$1.2 million.

2. Additional parking will be provided in the Millyard without the investment of any City funds.

3. \$10 million of new development will be added to the City's tax base.

In the fall of 2004 the City received bids for the Granite Street Widening Project, which were extremely high and later rejected. In reviewing the issue with contractors, we determined that the project should be broken into three phases made up separately of roadwork and bridgework. It also became apparent that contractors had concerns with coordination issues on the west side due to multi-contractors working in the same area and the need to have an adequate staging area on the east side for the bridgework. As a result, the use of the Granite Street Parking Lot for a staging area became a high priority for a successful project.

Over the winter, we approached Mr. Don Clark who represents 1848 Associates who is a major leaseholder of spaces in the Granite Street Lot and owners of the Pandora Property regarding our Granite Street Project and the issue of contractor staging. Mr. Clark at this time informed us that they had someone interested in the Pandora Property as a hotel. He went on to say that they had a desire to talk to the City about purchasing the Granite Street Lot, the Seal Tanning Lot and Phillippe Cote Street in order to make their project a reality. It was noted that a parking deck would be constructed from the Pandora Building southerly across the Granite Street Lot as part of the hotel project and that they had a further desire to build a future parking deck over the Seal Tanning Lot to provide additional parking.



August 2, 2005 Pg. (2)

# DRAFT

It became apparent in our discussions with Mr. Clark that if the City accepted this proposal, there would be substantial savings in Granite Street construction costs. These savings would be realized by not having to reconstruct the Granite Street Lot by excavating it to one level and building retaining walls along the Commercial Street and Phillippe Cote Street sides. These potential savings were extremely appealing in that increases in the cost of construction materials has clearly jeopardized the completion of the entire Granite Street Widening Project without a sizable additional City appropriation. In addition, we also determined that there would be savings in not having to perform scheduled maintenance on the Seal Tanning Lot.

Believing that this proposal had merit, a City Team was created to move this proposal forward. This Team consisted of Frank Thomas and Dennis Anctil from Highway, Kevin Clougherty and Randy Sherman from Finance, Bill Jabjiniak from Destination Manchester, Tom Clark from the Solicitor's, Bob MacKenzie from Planning, Steve Hamilton from the Assessors and Mike Colby from the Mayor's Office.

An appraisal to determine the value of the properties was performed by the City and another one performed by 1848 Associates. Due to a wide spread between appraisals, a review of the appraisals was made by Crafts Appraisals for the City. This review recommended utilizing the one prepared by Fremeau Appraisal, Inc., which placed a value on the properties of \$1,920,000. A value of \$1,284,500 was identified by City consultants as savings resulting from not having to do the construction work on the Granite Street Lot and the scheduled maintenance work on the Seal Tanning Lot. (This amount based on actual bids recently received is now estimated at \$1,540,500.) Discounting the appraised value of the property by \$1,284,500 resulted in a net selling price of \$635,500.

The City's Parking Consultant was next contacted to determine if the City should retain ownership of these lots in order to preserve our ability to build parking structures on them in the future. The Parking Consultant responded by saying that the site of these two lots basically only provides parking for the directly abutting businesses and that a future parking structure should ideally be located in the center of the millyard in the area of the Bedford Street Lot. Therefore, the Parking Consultant did not have any concerns over the City potential selling these lots.

As a result of the above, it is recommended that you find these properties as surplus, that you waive the need to competitively bid the sale of these properties, that you accept the proposed selling price of \$635,500, that you recommend the discontinuance of Phillippe Cote Street and further recommend the same to the Board of Mayor and Aldermen.

# DRAFT

I will be available to answer any questions you may have on the matter.

Very truly yours,

Frank Thomas, P.E. Public Works Director

/c

cc: Robert A. Baines, Mayor Kevin Clougherty Randy Sherman Paul Borek Tom Clark Robert MacKenzie Steve Hamilton Mike Colby



Robert S. MacKenzie, AICP Director

### CITY OF MANCHESTER

### Planning and Community Development

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Heritage Commision
Millyard Design Review Committee

February 21, 2006

Committee on Lands and Buildings City Hall One City Hall Plaza Manchester, NH 03101

re: Seal Tanning lot and Granite Street lot

Honorable Committee Members:

The abutting property owners have expressed an interest in acquiring the above referenced City owned lots.

Background: These lots were leftover parcels from the redevelopment of the Millyard by the MHRA. Since that time they have been used for parking by the abutting property owners who are currently requesting their purchase. It should be noted that the Public Works Department has indicated that a significant amount of money can be saved (exceeding \$1,000,000) if they do not have to rebuild the Granite Street lot as part of the Granite Street reconstruction project.

Surplus Determination: The draft parking study has recommended that these two parking lots are not required for a long term parking program. As such, we would recommend that the lots be determined surplus to City needs.

Method of Sale: Normal disposition would be by public sale. In this situation, the Committee and Board may find public purpose for selling the properties to the requesting party for the following reasons:

- 1) The requesting party is the primary abutter to the Seal Tanning lot and is the only abutter to the Granite Street lot;
- 2) The requesting party has been the primary user of the lots for at least the last fifteen years; and
- 3) Sale of the lots will likely increase the business activity in the three existing redeveloped buildings and may lead to the redevelopment of the Pandora Building.

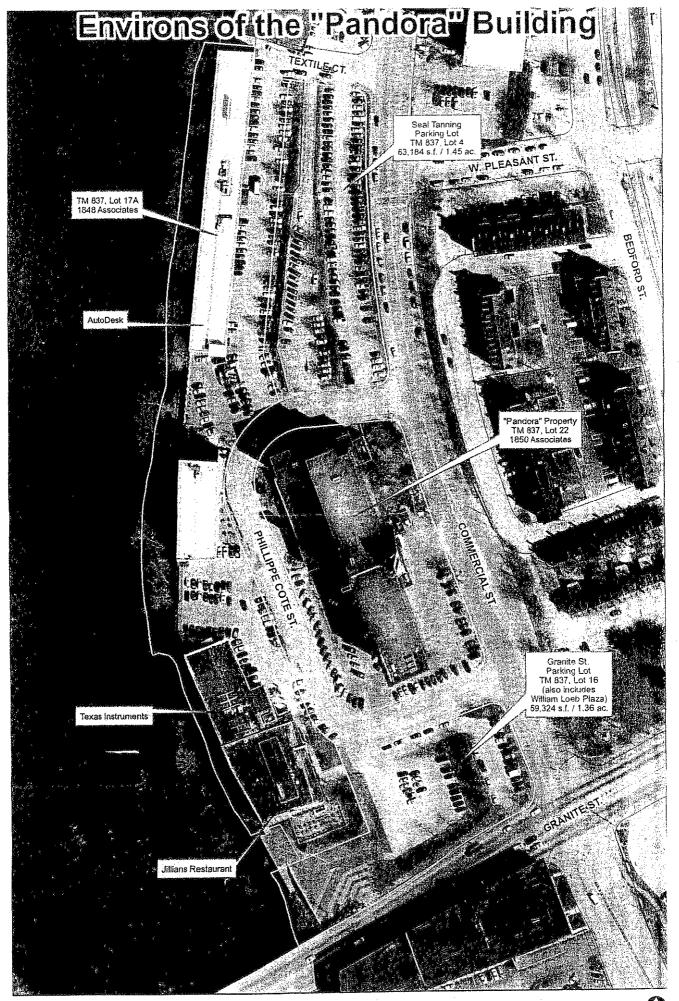
If there are any questions, staff will be available at the committee meeting.

Sincerely,

Robert S. MacKenzie, AICP

Director of Planning and Community Development

Manid J. Beauche suc



This map was created by the City of Manchester Planning & Community Development Department (D. Beauchesne) on February 21, 2006.
 Aerial photo taken in April, 2003.





### City of Manchester Office of the Tax Collector

City Hall
One City Hall Plaza - West
Manchester, New Hampshire 03101 Joan A. Porter (603) 624-6575 (Phone)
Tax Collector (603) 628-6162 (Fax)

### Memorandum

DATE:

March 21, 2006

TO:

Land & Building Committee

FROM:

Joan A. Porter, Tax Collector

RE:

Phillippe Cote Street and nearby parking

lots

The properties located at Phillippe Cote Street, Granite Street Parking lot and Seal Tanning Parking lot are not tax-deeded parcels. As such, the Tax Collector's office has no interest in their disposition.



# CITY OF MANCHESTER Board of Assessors

One City Hall Plaza, West Wing Manchester, New Hampshire 03101 Tel: (603) 624-6520 – Fax: (603) 628-6288 Email: assessors@ci.manchester.nh.us Web: www.ManchesterNH.Gov



David M. Cornell, Chairman Thomas C. Nichols Stephan W. Hamilton

Christine Hanagan Assistant to Assessors

To:

Committee on Lands and Buildings

From:

Board of Assessors Dm. C.

Date:

March 22, 2006

Re:

Granite Lot, Seal Tanning Lot, and Phillippe Cote Street

### Dear Committee Members:

As part of the disposition process of City owned land the fair market value of a property must be established. The Board of Assessors recommends that the Committee order an outside fee appraisal pursuant to Section 34:19 of the Code of Ordinances.

The following appraisals were performed on the above-mention lots:

- Robert G. Bramley was hired by the City to perform an appraisal
- Joseph G. Fremeau was hired by 1848 Associates to perform an appraisal
- John M. Crafts was hired by the City to review both appraisals.

After reviewing all appraisal reports, we believe that the assumptions made in Fremeau's appraisal are better supported, and thus are a better indicator of market value; Mr. Crafts also shares this opinion. It would appear that the Committee should accept Fremeau's opinion of value. We remain available to answer any questions the committee might have concerning this matter.

Sincerely,

David M. Cornell

Thomas C. Nichols

Stephan W. Hamilton

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### PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT (the "Agreement"), is made by and between 1848 Associates, a New Hampshire limited partnership, with a mailing address of 340 Commercial Street, Manchester, New Hampshire 03101 (hereinafter "Purchaser") and the City of Manchester, a New Hampshire municipal corporation, having principal offices at One City Hall Plaza, Manchester, New Hampshire, 03101 (hereinafter "Seller").

### WITNESSETH:

In consideration of the mutual covenants set forth herein, the parties undertake and agree as follows:

### 1. RECITALS AND PURPOSES

- 1.01 Seller wishes to sell and Purchaser wishes to buy three certain properties together with all appurtenant easements, improvements, fixtures and appurtenances, attached or affixed thereon and, except as set forth herein, all rights in adjacent streets or roads, all riparian rights, all assignments of contracts, leases, rents, security deposits, tax abatements, actions, and other property, rights and interests therein, as more particularly described on Exhibit A attached hereto and incorporated herein by reference (collectively the "Premises").
  - 1.02 Purchaser having represented to the Seller that it will:
    - A) Add a parking deck to the Seal Tanning Lot at the Purchaser's expense.
    - B) Create privately, without any expense to the Seller, such additional parking as the potential rehabilitation and/or redevelopment of the Pandora Building may require.
    - C) Actively pursue the potential rehabilitation and/or redevelopment of the Pandora Building, such potential rehabilitation and/or redevelopment to be accomplished without any expense to the Seller.

### 2. PURCHASE AND SALE

- 2.01 Expressly conditioned upon and in reliance on the terms and conditions set forth herein, Seller hereby agrees to sell and Purchaser agrees to purchase all of Seller's interest in the Premises.
- 3. PURCHASE PRICE, ADDITIONAL PAYMENT, AND MODE OF PAYMENT

- 3.01 <u>Purchase Price</u>. The Purchase Price for the Premises shall be Six Hundred Thirty Five Thousand Dollars (\$635,000.00) (the "Purchase Price").
- 3.02 <u>Additional Payment</u>. In addition to the Purchase Price, Purchaser shall pay an additional \$200,000.00 (the "Additional Payment") to the Seller to reimburse the Seller for the additional costs associated with the modified construction of a retaining wall along Granite Street (adjacent to Parcel III of the Premises). Said retaining wall shall be constructed and maintained by the Seller and the modified design is being constructed so that the Purchaser may excavate and construct certain parking lot improvements to Parcel III.
- 3.03 <u>Escrow of Purchase Price and Additional Payment</u>. Upon execution of this Agreement, Purchaser shall pay the sum of the Purchase Price and the Additional Payment (a total of \$835,000.00) to the City of Manchester, City Solicitor's Office, to be held in escrow (the "Escrowed Funds") in an interest bearing account with interest to be reported as the income of Buyer (tin ) and interested credited to Buyer.
  - Granite Street referred to in section 3.02 above, a portion of the Escrowed Funds shall be paid to Seller to reimburse Seller for the actual additional cost to the Seller of constructing that retaining wall at the increased depth necessary to accommodate Purchaser's planned use of the Granite Lot, rather than the depth otherwise required (hereafter the "Additional Cost"). If the Additional Cost is less than \$200,000.00, a portion of the Escrowed Funds, equal to \$200,000.00 minus the Additional Cost, shall be refunded to Purchaser. If the Additional Cost is greater than \$200,000.00, Purchaser shall pay to Seller, upon demand, the excess of the Additional Cost over \$200,000.00
  - (ii) \$530,000.00 of the Escrowed Funds shall be paid to the Seller to pay the portion of the Purchase Price due at the Parcel II Closing as provided in section 4, below.
  - (iii) \$105,000.00 of the Escrowed Funds shall be paid to the Seller to pay the portion of the Purchase Price due at the Parcel I and Parcel III Closing as provided in section 4, below.
  - (iv) Interest earned on the Escrowed Funds shall be paid to Purchaser upon demand.

### 4. CLOSING, TIME AND PLACE

4.01 The Closing of the sale of Parcel II (the "Parcel II Closing") shall take place on or before thirty (30) days after satisfaction by the Seller of the so-called "surplus property" procedures contemplated by Section 6.04 plus any applicable appeals period(s).

- 4.02 The Closing of the sale of Parcel I and Parcel III (the "Parcel I and Parcel III Closing") shall take place on or before thirty (30) days after the last of: (i) the satisfaction of the termination of the public ways contemplated by Section 6.03 plus any applicable appeals period(s); (ii) the satisfaction by the Seller of the so-called "surplus property" procedures contemplated by Section 6.04 plus any applicable appeals period(s); or (iii) receipt by the Seller of subdivision approval for the Premises contemplated by Section 6.05 plus any applicable appeals period(s).
- 4.03 The Closings shall take place at the City Solicitor's Office, One City Hall Plaza, Manchester, New Hampshire.

### 5. OBLIGATIONS OF THE PARTIES AT CLOSING

### 5.01 At each Closing, Seller shall deliver to Purchaser

- (i) a quitclaim deed of its interest in the Premises being conveyed in statutory form, conveying clear, record and marketable title in fee simple absolute (the "Deed"). Each Deed shall contain a restriction in favor of the Seller limiting new construction and uses on the Premises to those associated with the use of the Premises for parking facilities and parking purposes unless the Board of Mayor and Aldermen of the Seller approves otherwise. Each Deed shall be subject to the existing current public utilities on the Premises. The Deed of Parcel III will also contain a temporary construction easement for the Seller to use a portion of Parcel III, as set forth on Exhibit A, as a construction staging area, for Seller's widening of Granite Street. The easement shall terminate on September 30, 2008 or sooner if the Seller has completed all of it improvements/constructions on Granite Street.
- (ii) mechanics lien and parties in possession affidavits by Seller, and other forms and affidavits as reasonably and customarily required by Purchaser's lender or title insurance company for transactions of this type and nature.
- (iii) a copy of Seller's vote(s), authorizing resolutions, or similar evidence, authorizing sale of the Premises.

### 5.02 At Closing, Purchaser shall deliver to Seller:

- (i) the designated portion of the Purchase Price (from the Escrowed Funds as provided above).
- (ii) a copy of Purchaser's, or its assignee's, vote(s), authorizing resolutions, or similar evidence, authorizing the purchase of the Premises.
- (iii) real estate transfer and other forms and affidavits customarily required.

- 5.03 At each Closing (i) the Premises will be conveyed in the same condition as the date hereof, reasonable wear and tear excepted, free of tenants and any personal property of Seller, and (ii) the title to the Premises will be in the same condition as of the date of Purchaser's title examination.
- 5.04 Purchaser shall commence construction of a parking deck on Parcel II on or before 12 months after the Parcel II Closing referred to herein and shall complete construction of that parking deck on or before 36 months after the Parcel II Closing referred to herein

# 6. DELIVERIES PRIOR TO CLOSING, INSPECTIONS, DUE DILIGENCE AND CONDITIONS TO CLOSING

- after the last party executes this Agreement to undertake such title examinations as it deems appropriate, and if it determines that there is any objection to Seller's title rendering it uninsurable or unmarketable, it shall so notify Seller in writing. If defects or flaws in title are of such character that they may be readily remedied or removed by Seller, then, upon receipt of the notice, Seller shall promptly institute and prosecute proceedings to remedy such defects, and upon giving return written notice to Purchaser to that effect, Seller shall be entitled to sixty (60) days from Purchaser's notice to correct such title defects. If Seller is unable to remedy title within said sixty (60) day cure period, then Purchaser may either: (i) terminate this Agreement, whereupon Purchaser shall be entitled to the return of the remaining Escrowed Funds (except for the Additional Cost defined in 3.03(i), above, unless the Seller is able to cancel construction of the modifications to the retaining wall referred to therein), and both parties shall be discharged from any further liability under this Agreement, or (ii) Purchaser may elect to accept such title as Seller can deliver, with no reduction of the Purchase Price.
- 6.02 Purchaser shall have until 5:00 p.m. of the thirtieth (30<sup>th</sup>) calendar day after the last party executes this Agreement (the "Due Diligence Period") to undertake at its sole cost and expense: (i) engineering studies and inspections as it deems appropriate; (ii) a soils investigation and inspection as it deems appropriate; (iii) a zoning and use review; (iv) a review of the environmental condition of the Premises; and (iv) a review of any and all matters, information and documentation relating to or concerning the Premises. If Purchaser shall discover or determine prior to the expiration of the Due Diligence Period that it or its lender(s) are not satisfied in any way with the status of the Premises or the results of any of its due diligence or inspections, Purchaser shall have right to terminate this Agreement by written notice to Seller on or before ten days after expiration of the Due Diligence Period whereupon Purchaser shall be entitled to the return of the remaining Escrowed Funds (except for the Additional Cost defined in 3.03(i), above, unless the Seller is able to cancel construction of the modifications to the

retaining wall referred to therein), and both parties shall be discharged from any further liability under this Agreement.

- 6.03 The parties obligations as to Parcels I and III are expressly contingent upon the Seller legally discontinuing Phillippe Cote Street, so-called, and any other portion of the Premises which are a public street or public way. Seller shall have until 5:00 p.m. of the one hundred eightieth (180<sup>th</sup>) calendar day after the last party executes this Agreement to discontinue Phillippe Cote Street, so-called, and any other portion of the Premises which are a public street or public way, failing which Purchaser may elect to terminate this Agreement, whereupon Purchaser shall be entitled to the return of the remaining Escrowed Funds (except for the Additional Cost defined in 3.03(i), above, unless the Seller is able to cancel construction of the modifications to the retaining wall referred to therein), and both parties shall be discharged from any further liability under this Agreement. This paragraph shall not be interpreted so as to require any particular vote by the Board of Mayor and Aldermen on the discontinuance of Phillippe Cote Street.
- 6.04 This Agreement is expressly contingent upon the Seller complying with and satisfying the provisions of the so-called "surplus property" ordinance for the City of Manchester and receiving all approvals and consents necessary to convey the Premises to Purchaser in accordance with this Agreement (collectively the "Seller Approvals"). The Seller shall have until 5:00 p.m. of the one hundred eightieth (180<sup>th</sup>) calendar day after the last party executes this Agreement to obtain the Seller Approvals, failing which Purchaser may elect to terminate this Agreement, whereupon Purchaser shall be entitled to the return of the remaining Escrowed Funds (except for the Additional Cost defined in 3.03(i), above, unless the Seller is able to cancel construction of the modifications to the retaining wall referred to therein), and both parties shall be discharged from any further liability under this Agreement.
- 6.05 This Agreement is expressly contingent upon the Seller obtaining and receiving subdivision approval necessary to convey the Premises (the "Subdivision Approval"). Seller shall have until 5:00 p.m. of the one hundred eightieth (180<sup>th</sup>) calendar day after the last party executes this Agreement to obtain and receive Subdivision Approval, failing which Purchaser may elect to terminate this Agreement, whereupon Purchaser shall be entitled to the return of the remaining Escrowed Funds (except for the Additional Cost defined in 3.03(i), above, unless the Seller is able to cancel construction of the modifications to the retaining wall referred to therein), and both parties shall be discharged from any further liability under this Agreement. This paragraph shall not be interpreted so as to require any particular vote by the Manchester Planning Board on any request for subdivision approval.
- 6.06 Upon execution of this Agreement Seller shall deliver to Purchaser copies of any and all reports, materials or information in its possession relating to the title, environmental condition, structural condition or other aspect of the Premises and any and all surveys or plans in Seller's possession in connection with the Premises (collectively the "Reports"). In the event that Purchaser terminates this Agreement in accordance

herewith, Purchaser shall return all Reports to the Seller, together with any and all reports, plans, materials, studies or information prepared by or obtained by Purchaser, at no cost to Seller.

### 7. OCCUPANCY, TENANTS

7.01 As to each Parcel Purchaser shall be entitled to occupancy on the date of Closing, free of all rights of use or possession by Seller and/or any other tenant except for the temporary construction easement on Parcel III referenced in Section 5.01(i), above. Seller agrees that it will deliver the Premises on the Closing free and clear of all personal property of Seller and all tenants or any other right of tenancy or occupancy.

### 8. ACCESS TO PREMISES/RECORDS

8.01 Between the date hereof and the date of Closing, Purchaser and Purchaser's representatives shall be permitted access to the Premises at reasonable times in order to conduct any due diligence or inspections it desires as contemplated herein. In the course of making such inspections, Purchaser shall not unreasonably interfere with Seller's or the public's use of the Premises. In the event the Closing does not take place as provided herein, Purchaser shall at its sole cost and expense restore the Premises as nearly as possible to its condition existing prior to the time of said examinations. All engineers and other representatives of Purchaser performing such tests and examinations upon the Premises shall be adequately insured with coverages and limits approved by the City of Manchester's Risk Manager.

### 9. DEFAULT

- 9.01 In the event of Purchaser's default hereunder, then: Purchaser shall not be entitled to return of any portion of the Escrowed Funds necessary to pay the Additional Cost referred to in section 3.03(i) above]; Seller shall be relieved of any further obligation to make any additional conveyances hereunder; \$50,000.00 of the Escrowed Funds shall be paid to Seller as liquidated damages; the balance of the Escrowed Funds shall be paid to Purchaser; and each party shall be discharged from further obligation hereunder.
- 9.02 In the event that Seller defaults hereunder Purchaser, (i) may terminate this Agreement, whereupon the remaining Escrowed Funds promptly shall be refunded to Purchaser, or (ii) seek specific performance and the costs of seeking said specific performance.

### 10. MISCELLANEOUS

10.01 This Agreement contains all the agreements of the parties with respect to the subject matter hereof. All prior discussions are merged herein. Any amendment hereto shall be effective only if executed with all the formalities hereof by the party against whom the amendment is asserted.

- 10.02 This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
- 10.03 The captions in this Agreement are inserted for convenience of reference only and do not define, describe, or limit the scope or intent of this Agreement of any of its terms.
- 10.04 Assignment. Purchaser may assign its rights hereunder to related entity(s) on the condition that the assignee(s) assume(s) all Purchaser's obligations relating to the subject premises that are conveyed to the assignee.

[PAGE ENDS HERE, SIGNATURE PAGE(S) TO FOLLOW]

IN WITNESS WHEREOF, the Parties hereto have set their hands to the written instrument as of the date first above written.

	PURCHASER:
	1848 ASSOCIATES
Witness	By: Name: Title:
Dated:	
	SELLER:
	THE CITY OF MANCHESTER
	By:
Witness	Name: Title:
Dated:	

# REVIEW AND APPROVED BY THE CITY OF MANCHESTER CITY SOLICITOR:

By:	
Name:	
Title:	

# A STATE OF THE STA

### EXHIBIT A

### Property Descriptions

### PARCEL I - PHILLIPPE COTE STREET LOT

All that piece or parcel of property situated in the City of Manchester, County of Hillsborough, State of New Hampshire, designated as Cote Street and shown on a plan entitled "Manchester Housing Authority, N.H. R-7, Amoskeag Millyard Project, Beggs & Cobb Corporation and Pandora Industries, Inc., Subdivision & Disposition Plan of Parcels 1-20, 1-25, 1-27 & 1-36" dated April 14, 1977, last revised April 24, 1979; prepared by Metcalf & Eddy Inc. and Thomas F. Moran Inc. and recorded at the Hillsborough County Registry of Deeds as Plan No. 14770; bounded and described as follows:

Beginning at a point on the westerly sideline of Commercial Street at its intersection with the southerly sideline of Cote Street (currently known as Phillippe Cote Street) at a point of curvature; said point being the southeasterly corner of the parcel herein described;

Thence, westerly, northerly and easterly along said Cote Street on the following courses: along a curve to the left having a radius of 19.00 feet, an arc distance of 29.96 feet; South 69°59'55" West, a distance of 156.42 feet; along a curve to the right having a radius of 86.98 feet, an arc distance of 136.15 feet; North 20°19'05" East, a distance of 306.98 feet; along a curve to the right having a radius of 113.00 feet, an arc distance of 87.30 feet; along a curve to the right having a radius of 141.50 feet, an arc distance of 152.84 feet; North 85°49'50" East, a distance of 90.65 feet; along a curve to the left having a radius of 19.00 feet, an arc distance of 32.22 feet to the westerly sideline of Commercial Street;

Thence, southerly along said Commercial Street: along a curve to the left having a radius of 1530.00 feet, an arc distance of 87.97 feet to the southerly sideline of Cote Street at a point of curvature;

Thence, westerly, southerly and easterly along said Cote Street on the following courses: along a curve to the left having a radius of 19.00 feet, an arc distance of 26.38 feet; South 85°49'50" West, a distance of 102.96 feet; along a curve to the left having a radius of 175.00 feet, an arc distance of 52.06 feet; along a curve to the left having a radius of 55.00 feet, an arc distance of 29.15 feet; along a curve to the left having a radius of 77.00 feet, an arc distance of 78.94 feet; South 20°19'05" East, a distance of 304.68 feet; a curve to the left having a radius of 39.98 feet, an arc distance of 62.58 feet; North 69°59'55" East, a distance of 159.95 feet; along a curve to the left having a radius of 19.00 feet, an arc distance of 29.74 feet to the westerly sideline of Commercial Street;

Thence, southerly along said Commercial Street: South 19°40'05" East, a distance of 88.00 feet to the point or place of beginning.

Parcel I shall also include any additional land situated between Phillippe Cote Street (as shown on said Plan) and Parcel III as hereafter described.

### PARCEL II – LOT 1-36

All that piece or parcel of property situated in the City of Manchester, County of Hillsborough, State of New Hampshire, designated as Lot 1-36 and shown on a plan entitled "Manchester Housing Authority, N.H. R-7, Amoskeag Millyard Project, Beggs & Cobb Corporation and Pandora Industries, Inc., Subdivision & Disposition Plan of Parcels 1-20, 1-25, 1-27 & 1-36" dated April 14, 1977, last revised April 24, 1979; prepared by Metcalf & Eddy Inc. and Thomas F. Moran Inc. and recorded at the Hillsborough County Registry of Deeds as Plan No. 14770; bounded and described as follows:

Beginning at a point on the northerly sideline of Cote Street (currently known as Phillippe Cote Street) at its intersection with the division line between Lot 1-25 on the west and the parcel herein described on the east; said point being the southwesterly corner of the parcel herein described;

Thence, northerly along said Lot 1-25 on the following courses: North 17°39'55" West, a distance of 72.81 feet; North 05°43'50" East, a distance of 393.28 feet; North 64°04'15" East, a distance of 9.08 feet to the southerly sideline of Textile Court;

Thence, easterly along said Textile Court on the following courses: South 80°02'05" East, a distance of 89.16 feet; along a curve to the right having a radius of 19.00 feet, an arc distance of 27.62 feet to the westerly sideline of Commercial Street;

Thence, southerly along said Commercial Street: along a curve to the left having a radius of 1530.00 feet, an arc distance of 389.76 feet to the northerly sideline of Cote Street at a point of curvature;

Thence, westerly along said Cote Street on the following courses: along a curve to the right having a radius of 19.00 feet, an arc distance of 32.22 feet; South 85°49'50" West, a distance of 90.65 feet; along a curve to the left having a radius of 141.50 feet, an arc distance of 50.34 feet to the point or place of beginning.

Being 61,552 square feet more or less.



### PARCEL III - PORTION OF LOT 1-20

### PORTION OF LOT 1-20 GRANITE LOT

Beginning at a point on the easterly sideline of Lot 1-25 (a/k/a Gateway 1) at the new proposed southerly right of way line of Phillippe Cote Street; said point being South 19°59'35" East, a distance of 19.94 feet more or less from the current southerly sideline of Phillippe Cote Street at its intersection with the division line between Lot 1-25 on the west and Lot 1-20 on the east; said point being the northwesterly corner of the parcel herein described;

Thence, South 87°25'39" East, a distance of 45.89 feet;

Thence, North 70°29'23" East, a distance of 172.81 feet:

Thence, South 63°19'22" East, a distance of 16.83 feet;

Thence, South 19°55'09" East, a distance of 75.00 feet;

Thence, South 20°26'08" West, a distance of 30.25 feet:

Thence, South 60°25'37" West, a distance of 209.95 feet;

Thence, North 19°59'35" West, a distance of 164.28 feet to the point or place of beginning.

Being 28,877 square feet more or less or 0.66 acres more or less.

Temporary Construction Easement Area (insert description)

# To the Honorable Board of Mayor and Aldermen of the City of Manchester:

The Undersigned respectfully represent that for the accommodation of the public there is occasion for discontinuing a highway.

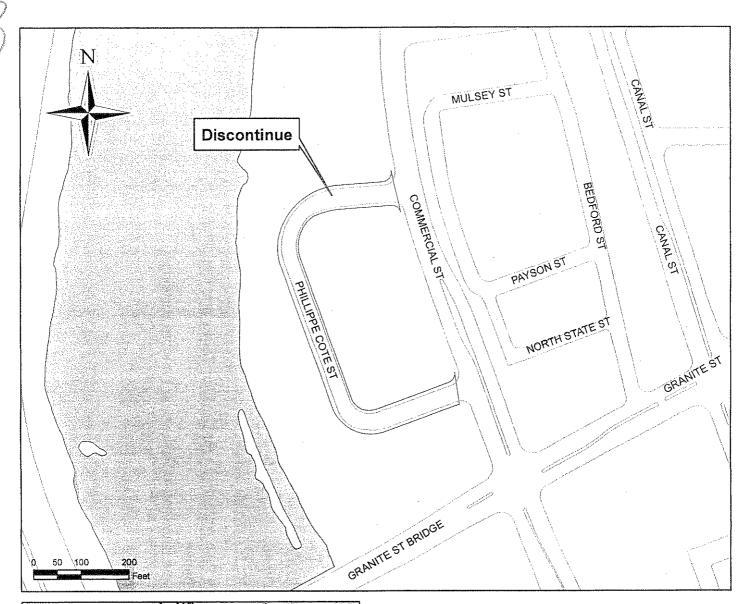
Beginning at the northerly point of tangency of Phillippe Cote Street at Commercial Street to a point; thence, S 12-58-24 E a distance of 87.96', crossing Phillippe Cote Street and along the westerly line of Commercial Street to a point; thence, along a curve to the left, having a radius of 19.00' and an arc length of 26.38', and whose long chord bears N 54-23-39 W a distance of 24.31' to a point; thence, S 85-49-50 W a distance of 102.96' to a point; thence along a curve to the left, having a radius of 175.00' and an arc length of 52.06' to a point; thence, along a curve to the left, having a radius of 55.00' and an arc length of 29.15' to a point; thence, along a curve to the left, having a radius of 77.00' and an arc length of 78.94' to a point; thence, S 20-19-05 E a distance of 304.68' to a point; thence, along a curve to the left, having a radius of 39.98 and an arc length of 62.58' to a point; thence, N 69-59-55 E a distance of 159.95 to a point; thence, along a curve to the left, having a radius of 19.00' and an arc length of 26.03' to a point; thence S 08-30-30 E a distance of 67.44' across the southerly end of Phillippe Cote Street and along the westerly line of Commercial Street to a point; thence, along a curve to the left, having a radius of 19.00' and an arc length of 5.78', and whose long chord bears S 78-43-15 W a distance of 5.76' to a point; thence, S 69-59-55 W a distance of 156.42 to a point; thence, along a curve to the right, having a radius of 86.98 and an arc length of 136.15' to a point; thence, N 20-19-5 W a distance of 306.98 to a point; thence, along a curve to the right, having a radius of 113.00' and an arc length of 87.30' to a point; thence, along a curve to the right, having a radius of 141.50 and an arc length of 152.84' to a point; thence, N 85-49-50 E a distance of 90.65 to a point; thence along a curve to the left, having a radius of 19.00' and an arc length of 32.22' to the point of beginning.

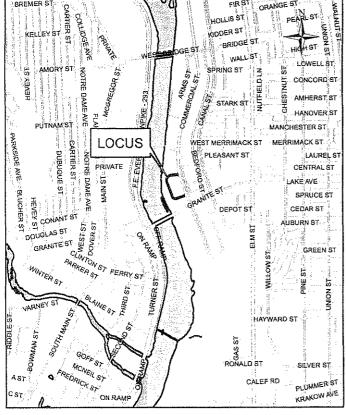
Containing 41,382.25 sq. feet to be the same more or less and being the full roadway known as **Phillippe Cote Street**.

The petitioner, therefore, requests you to discontinue the above-described **Phillippe Cote Street**.

Dated at the City of Manchester, New Hampshire this 30th day of March 2006.

Ву: Д





# Proposed Street Discontinuance Phillippe Cote Street



March 30, 2006

# Summary of Seal Tanning Lot, Granite Lot and Philippe Cote Street Sale to 1848 Associates

Reconciled Appraised Value				
Seal Tanning Lot	↔	850,000.00		
Granite Lot	↔	440,000.00		
Phillipe Cote Street	↔	630,000.00		
	8	1,920,000.00		
Savings to City of Manchester	Esti	Estimated Savings	Bidd	Bidded Savings
Granite Lot/Cote Street Reconstruction			↔	500,000.00
Retaining Wall Granite St. to Commercial St.			↔	390,000.00
Retaining Wall Commercial/Granite/Philippe Cote			↔	320,000.00
Future Maintenance Costs (Philippe Cote Resurfacing)			↔	10,500.00
Future Maintenance Costs (Seal Tanning Lot Resurfacing)	-	National Association (Control of Control of	မှာ	320,000.00
	↔	1,284,500.00	↔	1,540,500.00
Escrowed Upon Execution of P & S				
Negotiated Sales Price	<b>⇔</b>	635,000.00		
Additional Payment (to Deepen Retaining Wall)	S	200,000.00		
	↔	835,000.00		
Payment to City to Reimburse Additional Cost	↔	200,000.00		
Seal Tanning (Parcel II) Closing - Payment to City	↔	530,000.00		
Granite St (Parcel III)/Cote St. (Parcel I) Closing - Payment	S	105,000.00		
	↔	835,000.00		

Major Conditions - Sect. 1.02, Page 1 (See Purchase & Sale Agreement for Detailed Terms and Conditions)

- Build Deck on Seal Tanning Lot at Purchaser's Expense.
- Create Without Expense to City Additional Parking as Required to Redevelop Pandora Building.
  - Actively\Pursue Rehabilitation/Redevelopment of Pandora Building at No Expense to City.

# Benefits

- Private Parking Deck Leveraging Retention/Expansion of Texas Instruments (175 jobs) & Autodesk (395-500 jobs).
  - Savings in Capital Outlay for Granite Street Reconstruction Project.
- Provide Parking Site to Enable the Redevelopment of Pandora Building. Cannot be Redeveloped without Parking.
  - Lansing Melbourne Parking Consultant Recommends Sale of Municipal Lots Serving a Single Owner.

# Bui ading

June 16, 2006

City Of Manchester 1 City Hall Plaza Manchester, NH 03101

RE: Cell phone antenna (s) at 223 James Pollack Dr, Manchester, NH (ID # 18286)

To: City Of Manchester

A client of mine would be interested in making a proposal to you regarding cell phone antenna(s) located at 223 James Pollack Dr. I would appreciate a few minutes of your time to quickly explain what my client is proposing; our conversation could result in a significant financial transaction. I can be reached at 978-562-4140, ext 115.

I am one of the principals of Building Networks, a telecommunications real estate company located in Hudson, MA. Since 1996, the principals at Building Networks have worked with a variety of wireless and wire-line telecommunication companies providing a menu of real estate services.

Sincerely,

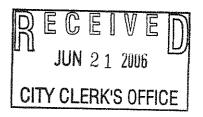
Tom Remillard

Principal

**Building Networks LLC** 

tomr@bldgnet.com

978-562-4140 ext 115



# Bui ading

June 23, 2006

City of Manchester 908 Elm Street Manchester, NH 03101

RE: Cell phone antenna (s) at Derryfield Park, Manchester, NH (ID # 87705)

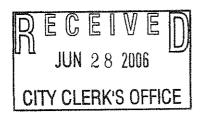
To: City of Manchester

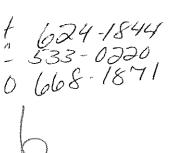
A client of mine would be interested in making a proposal to you regarding cell phone antenna(s) located at Derryfield Park. I would appreciate a few minutes of your time to quickly explain what my client is proposing; our conversation could result in a significant financial transaction. I can be reached at 978-562-4140, ext 115.

I am one of the principals of Building Networks, a telecommunications real estate company located in Hudson, MA. Since 1996, the principals at Building Networks have worked with a variety of wireless and wire-line telecommunication companies providing a menu of real estate services.

Sincerely,

Tom Remillard
Principal
Building Networks LLC
tomr@bldgnet.com
978-562-4140 ext 115





#### Gerald and Muriel Hebert 1175 Page Street Manchester, NH 03104

11/21/05 - Taraped 2/21/06 - 11 5/01/06 - 11

July 17, 2005

City of Manchester, NH Committee on Land and Buildings C/o City Clerk's office 1 City Hall Plaza Manchester, NH 03101

Dear Mr. Chairman,

I am writing regarding a parcel of property located on Page Street in Manchester. located between London Street and Bridge Street, a vacated parcel which belongs to the city, Lots 3, 6 and 7, which abuts our lot: 0246-0002.

We have resided here for thirty years and we would like to acquire this parcel, as in the near future we hope to build a retirement home on our lot, 0246-0002, but we lack 25 feet of frontage to build.

As you know, this is not desirable property, it is located at the bottom of the hill and there is always water running through the property all year long. The Highway Department has to come often, to open the trench for the water to run through, as it builds up ice, water etc., on the street.

There is approximately 30 feet of dry land between the road and the build up of water in the designated water shed area. We feel that for this reason, the property would be of no use to anyone else. However, it would give us the extra 25 ft frontage required to build.

We don't know if this is acceptable or financially feasible for us to acquire. We are in a position to offer \$5,000. Please advise, we appreciate sincerely your time and consideration.

Yours truly,

Gerald W. Hebert, Sr.

cc/Mary Sysyn, alderman

Gerald W. Hebert, S.





City Hall
One City Hall Plaza - West
Manchester, New Hampshire 03101 Joan A. Porter
(603) 624-6575 (Phone) Tax Collector
(603) 628-6162 (Fax)

## Memorandum

**DATE: JULY 18, 2005** 

TO: LAND & BUILDINGS COMMITTEE

FROM: JOAN A PORTER, TAX COLLECTOR

RE: LAND AT PAGE/MICHIGAN AVE

On December 17, 2003 the City of Manchester conducted an auction (for the second time) in an attempt to sell the three parcels located at Map 246 Lots 3, 6 and 7. The minimum bid was set at \$60,000. There was a final bid of \$57,000. However, a wetlands engineer surveyed the property and determined that one could not build on this lot due to the extent of the wetlands. As such, the highest bidder withdrew. The second bidder was contacted and likewise was not interested based on the engineer's report.

This was brought to the attention of the BMA on January 14, 2004 and it was voted to refer the matter to the Land & Buildings Committee for further review and report. No action has been taken since that time.



## CITY OF MANCHESTER

#### **Planning and Community Development**

Planning Community Improvement Program Growth Management



July 18, 2005

Lands & Buildings Committee Honorable Board of Mayor and Aldermen City Hall One City Hall Plaza Manchester, New Hampshire 03101

re: Sale of Property off Page Street

Honorable Committee Members:

This is in regard to the City owned land off Page Street. We have previously recommended that this property be deemed surplus and sold. It is my understanding that the property has not sold at auction. This is likely due to the significant amount of wetland on the site that does make it well suited for an individual building lot.

I am aware that an abutter has expressed an interest in purchasing this property and combining it with a small abutting vacant lot to make a suitable building site. Given the difficulty in developing the site as is, selling the property to the abutter would be an appropriate means of disposing of the property.

If you have any questions, I will be available at your next meeting.

Sincerely,

Robert S. MacKenzie, AICP

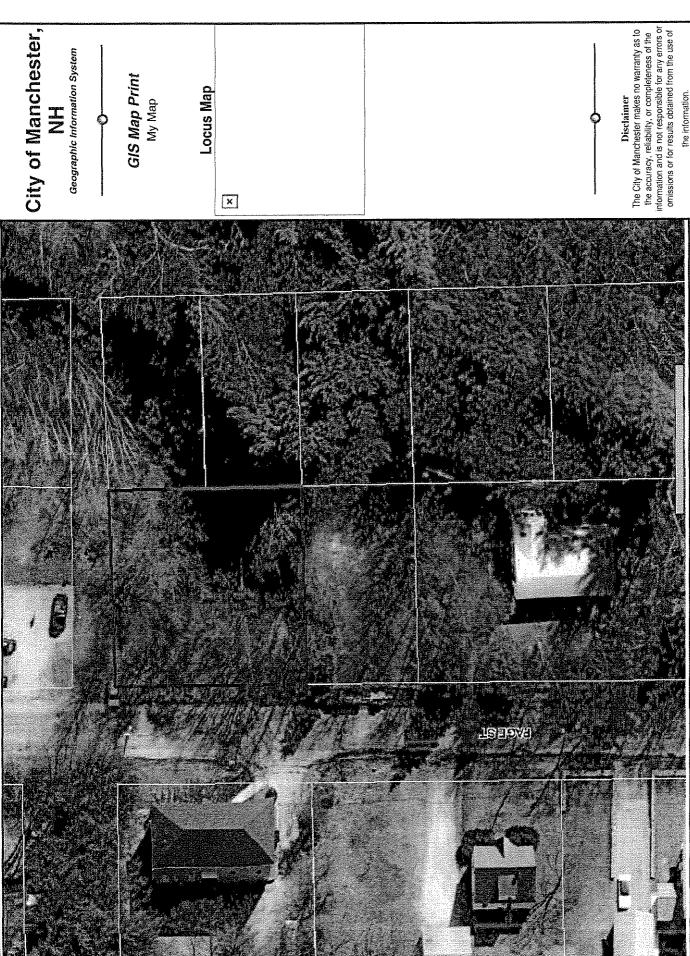
Director of Planning

6/22/2005

fap Output

6/22/2005







Mr. Tellier stated what I have up on the screen before you is an aerial view. I will proceed to clear it up. Myself and staff inspected the site several days ago as well as on a preceding location. The letter is pretty self-explanatory. There was a minimum bid previously on that site for \$57,000 but the bidder brought in a wetlands engineer and it was determined that the site was much too wet and did not have a dry enough area to provide an adequate building envelope for improvement. If you will give me a minute I will try to get you a better picture to show you the extent of the wetlands. As you can see that center green area...I don't have a laser pointer but there is a significant amount of wetlands on that site. The only thing that might, as I indicated in my letter, if someone were to petition for quiet title to acquire the additional 25 feet on the discontinued portion they may or may not have an adequate building envelope for improvement. I seriously doubt it at this point because of the extent of the wetlands involved. At that point we revised the value. Its primary use would be residual land for either the abutters or possibly the site across the street or kiddie corner as parking or just to meet setback requirements. The building to its east, I believe, is a set of condos. They may wish to acquire it. At the top of the picture you can see a large building. That is a set of four condos. They did petition to quiet title. That site does own 25 feet. Where you see the parking lot it appears to approach a little bit over on to the discontinued road but they did petition for quiet title some time ago and they do own half that street. With that being the case we would revise the value to \$7,500 to \$10,000. My recommendation at this point would be to notify abutters and just go to auction.

Alderman Porter moved to declare the property surplus and move it to public auction.

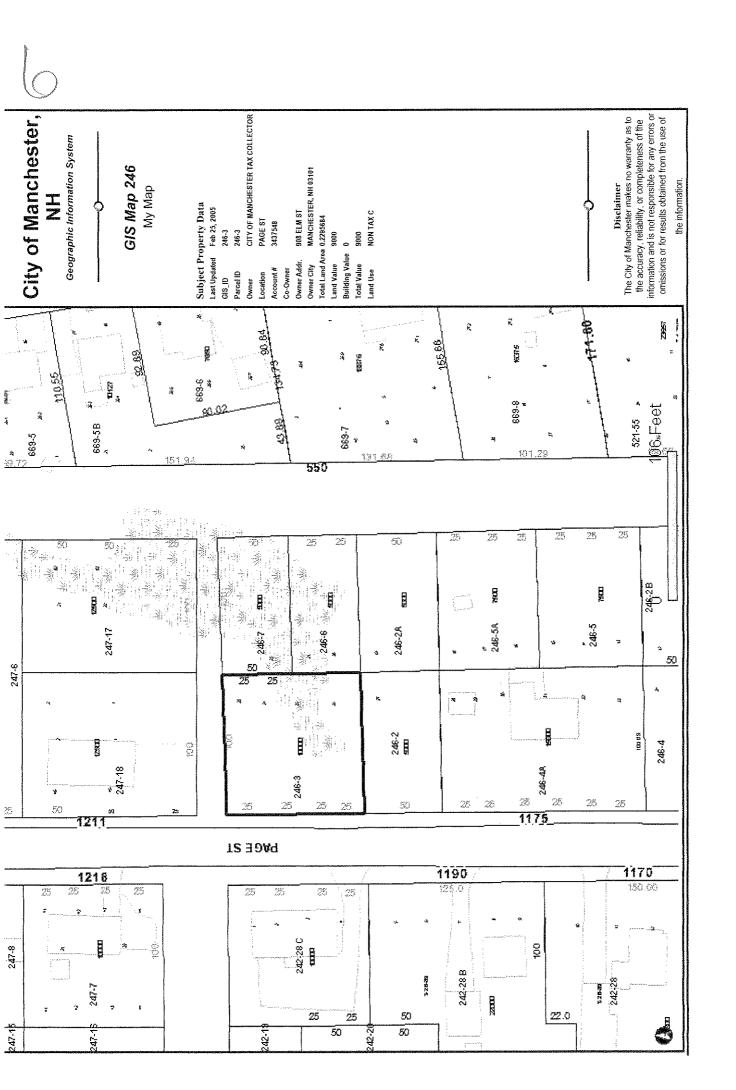
Alderman Roy asked Steve the process to quiet title, if it was done for this unit here will take care of the other 25' parcel.

Mr. Tellier responded Tom would probably be most appropriate to answer that.

Deputy Solicitor Arnold replied it might have but I would tend to doubt it. I would think that when the condo association applied to quiet title they only applied for their half of the road would be my guess but without seeing the documentation I couldn't be definite.

Alderman Roy asked what would the cost to the City be to quiet title on the rest of the remaining land abutting City property.

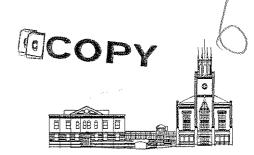
Deputy Solicitor Arnold answered it would probably be a pretty minimal filing fee. Our office could probably handle it, however, I question whether it would be necessary at this point. If the other side of this street did a quiet title then that





## CITY OF MANCHESTER Board of Assessors

One City Hall Plaza, West Wing Manchester, New Hampshire 03101 Tel: (603) 624-6520 – Fax: (603) 628-6288 E-Mail: assessors@ci.manchester.nh.us Website: www.ci.manchester.nh.us



Steven G. Tellier, Chairman Paul W. Porter, Jr. Thomas C. Nichols

Lee Ann Provencher Assistant to Assessors

To: City Clerk

From: Board of Assessors
Date: July 19, 2005
Re: Surplus Property

Map 246 Lot(s) 3, 6 & 7 L/O located page St

Pursuant to a request from the Office of the City Clerk, the potential value range for the subject property is listed below. Please note that lot #3 has road frontage on Page St. A recent bidder discovered after hiring a wetlands engineer, that due to an inordinate amount of wetlands on site that the parcel is unable to be developed under present conditions. There is evidence of wetland area attributable to all three contiguous parcels. Potential value may increase with the addition of the discontinued portion of the abutting paper street. However, at present the most appropriate use appears to nearby abutters.

After review of the factors surrounding this site, it is the opinion of our Board that the sites present use would be residual land for ancillary building or to meet setback or parking needs and should be valued accordingly.

After analyzing similar unimproved land sales and taking into account the significant wetlands, a value in the range of \$7,500 - \$10,000 would be appropriate.



## CITY OF MANCHESTER Board of Assessors

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Steven G. Tellier, Chairman Paul W. Porter, Jr. Thomas C. Nichols

Lee Ann Provencher Assistant to Assessors

To: City Clerk

From: Board of Assessors
Date: May 24, 2004
Re: Surplus Property

Map 246 Lot(s) 3, 6 & 7 L/O located page St

Pursuant to a request from the Office of the City Clerk, the potential value range for the subject property is listed below. Please note that lot #3 has road frontage on Page St and, although there appears to be some wetland area attributable to all three sites, with the addition of the discontinued portion of the abutting paper street, the lot may be able to be improved upon.

After analyzing similar unimproved land sales, the previous value of \$60,000 would be appropriate.



Robert S. MacKenzie, AICP Director

## CITY OF MANCHESTER

Planning and Community Development

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Zoning Board of Adjustment
Heritage Commission
Millyard Design Review Committee

February 5, 2004

Committee on Land and Buildings Honorable Board of Mayor and Aldermen Manchester City Hall One City Hall Plaza Manchester, New Hampshire 03101

Re: Sale of Tax-deeded property on Page Street & Michigan Avenue (TM 246, Lots 3, 6 & 7)

Dear Committee Members:

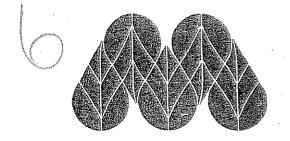
Our records indicate that the City has been attempting to return these several tax-deeded parcels to private ownership since as far back as 1994 when the Planning Department first provided the Committee with a report regarding their disposition. After reviewing the latest information about this case we now wish to reaffirm our previous October 11, 1994 report (see attached).

Sincerely,

Robert S. MacKenzie

Director of Planning & Community Development

Copy: file



City of Manchester City Planning Department

The Beacon Building 814 Elm Street Manchester, New Hampshire 03101 (603) 624-6450 FAX 624-6529

October 11, 1994

Committee on Lands and Buildings Honorable Board of Mayor and Aldermen 908 Elm Street Manchester, N.H. 03101

RE: Sale of Tax-deeded property on Page Street.

Dear Committee Members:

This is to provide a report pursuant to Section 23 1/2 pertaining to the above-referenced property.

Surplus Determination: This vacant property is located on the east side of Page Street near Bridge Street Extension. It would appear that a good portion of the site would be classified as wetland. The only possible use I would foresee for the City would be for conservation purposes, although I do not believe that small, isolated wetland pockets such as this should be in City ownership and the previous Chairman of the Conservation Commission has also held this opinion on a recent offer to dedicate a wetland area off Woodland Avenue. Based upon a review of the site, I do not believe that there are any City needs for the property and, as such, I would recommend that the property be determined "surplus" and be disposed of in a manner consistent with Section 23 1/2 of the City Ordinances.

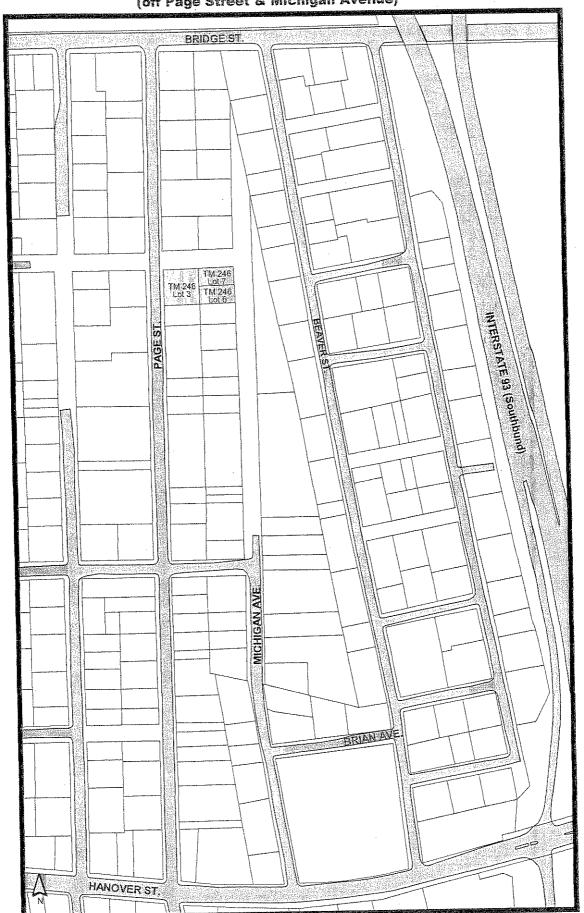
Manner of Sale: I believe the most appropriate manner of disposition would be by some form of public sale such as auction.

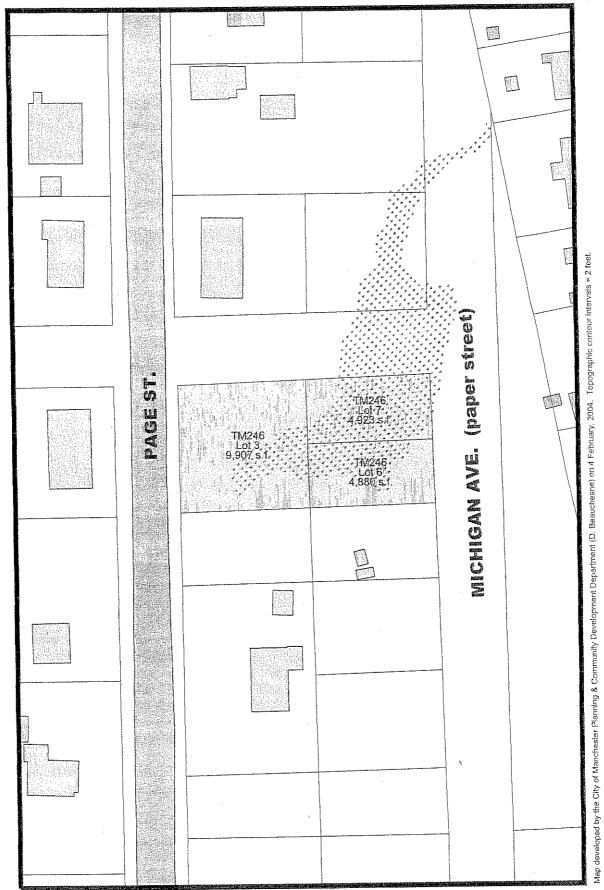
Note: I believe that there are other tax-deed lots abutting this lot which are landlocked (having frontage on a paper street - Michigan Avenue, Lots 32, 58 and 59, map 246) which should be sold in conjunction with the property on Page Street.

If you have any questions, I will be available at your next committee meeting.

Sincerely,

Robert S. MacKenzie Director of Planning General Location Map for TM246 - Lots 3, 6 & 7 (off Page Street & Michigan Avenue)





Site Map for TM246 - Lots 3, 6 & 7 (off Michigan Avenue)

A

Map scale: 1 inch = 900 feet

## Memorandum

DATE: MAY 1, 2006

TO:

LAND & BUILDING COMMITTEE

FROM: JOAN A PORTER, TAX COLLECTOR

RE: MAP 246, LOTS 3, 6, 7

Attached are the Land & Building Reports submitted in August of 2003 regarding the abovereferenced parcels. The information contained therein has not changed.

The Tax Collector has no objection to the disposition of these parcels.



City Hall
One City Hall Plaza - West
Manchester, New Hampshire 03101 Joan A. Porter
(603) 624-6575 (Phone) Tax Collector
(603) 628-6162 (Fax)

## Memorandum

DATE:

August 26, 2003

TO:

Land & Building Committee

FROM:

Joan A. Porter, Tax Collector

RE:

L Page St

As requested, the following contains information regarding the Tax-Deeded property located at: L Page St

Prior Owners:

Outlook Co c/o Samuel C. Tarrant

Map/Lot:

0246/0003

Lien Date:

05/19/67

Deed Date:

04/28/72

Recorded Date:

04/28/72

Book/Page:

2208/0273

Back Taxes

\$443.43 (not including interest and costs)



City Hall
One City Hall Plaza - West
Manchester, New Hampshire 03101 Joan A. Porter
(603) 624-6575 (Phone) Tax Collector
(603) 628-6162 (Fax)

## Memorandum

**DATE:** August 26, 2003

TO: Land & Building Committee

FROM: Joan A. Porter, Tax Collector

RE: L Michigan Ave

As requested, the following contains information regarding the Tax-Deeded property located at: L Michigan Ave

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Outlook Co c/o Samuel C. Tarrant

Map/Lot:

0246/0006

Lien Date:

05/18/70

Deed Date:

02/27/73

Recorded Date: 03/01/73

Book/Page:

2208/0313

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RE:

L Michigan Ave

As requested, the following contains information regarding the Tax-Deeded property located at: L Michigan Ave

Prior Owners:

William H Wheeler

Map/Lot:

0246/0007

Lien Date:

05/24/15

Deed Date:

07/12/17

Recorded Date:

10/11/17

Book/Page:

756/138

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\$4.29 (not including interest and costs)



## CITY OF MANCHESTER Board of Assessors

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David M. Cornell, Chairman Thomas C. Nichols Stephan W. Hamilton

Christine Hanagan Assistant to Assessors

To:

Committee on Land and Buildings

From:

Board of Assessors O.m.L.

Date:

March 29, 2006

Re:

Sale of Property off Page Street

Honorable Committee Members:

This memo is in regards to City owned property on Page Street. Specifically, the committee requested that we provide the current zoning of the lots. After review, it has been determined that the lots are all zoned R-1B.

The lots have considerable wetlands on them, and they are therefore non-buildable in their present state. As such, on July 19, 2005, the Board of Assessors determined that the fee simple value of these three lots was between \$7,500 - \$10,000. Historically, the Board of Assessors has always valued surplus land "as is" without determining any plottage value<sup>1</sup>.

There was some discussion at the July 19, 2005, Land and Buildings meeting on the possible assemblage of lots. Based on my discussion with Robert MacKenzie, lots 246-2 and 246-2A (both owned by Mr. Hebert) could be consolidated with the City owned lots (Map 246 lots 3, 6 and 7) to create an additional building lot. If this occurs, the aggregate plottage value of the combined lots could be between \$100,000-\$125,000. Naturally, how the value is apportioned is very subjective in assemblage cases, but typically the majority of the value is attributed to the usable dry land.

For the committee's convenience, I am enclosing a map that shows the owners of the lots on Page Street.

Respectfully submitted,

David M. Cornell, CNHA

David M. Correll

Chairman

Attachment:

Plottage value is created when two or more lots are consolidated to add greater utility to a site. In this case, combining non-buildable lots to create a buildable lot.



Robert S. MacKenzie, AICP Director

## CITY OF MANCHESTER

## **Planning and Community Development**

Planning Community Improvement Program Growth Management



Staff to:
Planning Board
Heritage Commision
Millyard Design Review Committee

April 19, 2006

Committee on Lands and Buildings City Hall One City Hall Plaza Manchester, NH 03101

re: Sale of Tax-Deeded Properties on Page Street (TM246, Lots 3, 6 & 7)

Honorable Committee Members:

This is to follow up on our previous letters to the Committee of October 11, 1994, and July 18, 2005, concerning disposition of these properties. In those communications we noted (a) that the subject Cityowned parcels were predominantly wetlands and steeply sloped, (b) that the City had failed to sell the lands at public auction, and (c) that a neighbor, Mr. Gerald Hebert, owner of two abutting lots and five other connecting parcels, has made an offer to buy the several City-owned lands for \$5,000.

Mr. Hebert has stated that his two abutting lots do not have enough frontage to allow for a buildable lot and that his acquisition of the City-owned properties would allow him to satisfy minimum lot frontage requirements and, thus, allow him to build "a retirement home" on the resulting merged lands. We concur that a single buildable lot would be created by this combination and that, when combined with the parcel which contain his current single family home at TM 246, Lot 4A, Mr. Hebert would have two abutting buildable lots. Interestingly, if he removed the current residence at TM 246, Lot 4A, Mr. Hebert could also gain two buildable lots by merging all seven of his currently owned parcels and sub-dividing out two new lots without acquiring any of the City-owned land.

In discussing this matter at a previous meeting, a Committee member asked how many buildable lots could Mr. Hebert create if he were to remove his existing residence at TM246, Lot 4A, and merge all seven of his neighboring lots with the City-owned parcels. In this scenario, given the particular lot configuration, on-site steep slopes and wetlands, the R-1B zoning district's minimum lot size, frontage, side, rear, and wetland setback requirements, our calculations indicate that Mr. Hebert could create a maximum of three new buildable lots – an increase of one buildable lot from the two scenarios discussed above.

If there are any questions, staff will be available at the committee meeting.

Sincerely,

Robert S. MacKenzie, AICP

Director of Planning and Community Development

RECEIVED
APR 24 ZUUD
CITY CLERK'S OFFICE



## Memorandum

DATE: MAY 1, 2006

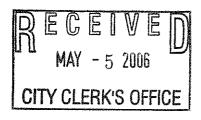
TO: LAND & BUILDING COMMITTEE

FROM: JOAN A PORTER, TAX COLLECTOR

RE: MAP 246, LOTS 3, 6, 7

Attached are the Land & Building Reports submitted in August of 2003 regarding the above-referenced parcels. The information contained therein has not changed.

The Tax Collector has no objection to the disposition of these parcels.







City Hall One City Hall Plaza - West
Manchester, New Hampshire 03101 Joan A. Porter
(603) 624-6575 (Phone) Tax Collector
(603) 628-6162 (Fax)

## Memorandum

DATE:

August 26, 2003

TO:

Land & Building Committee

FROM:

Joan A. Porter, Tax Collector

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City Hall
One City Hall Plaza - West
Manchester, New Hampshire 03101 Joan A. Porter
(603) 624-6575 (Phone) Tax Collector
(603) 628-6162 (Fax)

## Memorandum

**DATE:** August 26, 2003

TO: Land & Building Committee

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RE: L Michigan Ave

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10/11/17

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**Back Taxes** 

\$4.29 (not including interest and costs)



## City of Manchester Office of the City Solicitor

One City Hall Plaza Manchester, New Hampshire 03101 (603) 624-6523 Fax (603) 624-6528 TTY: 1-800-735-2964

Email: solicitor@ci.manchester.nh.us

Thomas R. Clark City Solicitor

Thomas I. Arnold, III Deputy City Solicitor

Daniel D. Muller, Jr. Michele A. Battaglia

November 9, 2005

Leo R. Bernier, City Clerk City of Manchester One City Hall Plaza Manchester, NH 03101

Re: Bedford-Manchester-Londonderry-Litchfield-Merrimack DPR-F-0047(001), 11512 Manchester Airport Access Road 55,158-815

Dear Leo:

Enclosed please find a copy of a letter dated October 28, 2005, addressed to Joan Porter, Tax Collector from William Dusavitch, Right-of-Way Agent for the State Department of Transportation for referral to the aldermen for their consideration.

If you have any questions, please feel free to contact me.

Very truly yours,

Thomas R. Clark

Thomas R. Clark City Solicitor

TRC/hr Enclosure

IN BOARD OF MAYOR & ALDERM

November 15, 2005

LALIA FO MOTTOM MC

**DeVries** SECONDED BY ALD.

refer to the Committee

on Lands and Buildings.



## THE STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION



CAROL A. MURRAY, P.E.

Commissioner

October 28, 2005

RECEIVED

NOV 0 1 2005

CITY SOLICITOR'S OFFICE

Re:

Bedford-Manchester-Londonderry-Litchfield-Merrimack DPR-F-0047(001), 11512

Manchester Airport Access Road

55,158-815

Manchester, NH 03101-2097

Attn: Joan Porter, Tax Collector

Dear Ms. Porter:

City of Manchester 1 City Hall Plaza

As you may know, the New Hampshire Department of Transportation has proposed improvements to the transportation system in the vicinity of the Manchester Airport. As part of this effort, property owned by the City of Manchester is being affected by the proposed construction and its mitigation.

At this time I wish to introduce myself as the individual responsible for coordinating and accomplishing the acquisition of the property rights needed to allow this construction to occur. The Bureau of Right of Way will also be contacting other owners whose property is affected by this project.

As part of this project, the Department needs to acquire the following property from the City of Manchester for this construction:

0.69 acres of property.

As a basis for this offer, The Department has contracted Evergreen Appraisals to complete an appraisal to determine the value of compensation based on the impacts of the project. A copy of this appraisal is enclosed for your review.

Using this appraisal, the Department offers the sum of \$27,000 for the purchase of the above mentioned property in fee. Should you find the offer acceptable, please sign the appropriate Offer & Agreement form enclosed and return the white copy to me at the Right-of-Way Bureau using the enclosed self addressed stamped envelope. The yellow copy is for your records. I will prepare the appropriate documents for your signature and request the check for payment be prepared. Once these are ready, I will contact you regarding the actual signing of the documents and delivery of the payment. However, if the offer is unacceptable, please contact me as soon as possible to discuss your concerns.

For your records I have also enclosed a booklet entitled "Public Projects and Your Property". In addition, an IRS Real Estate Transaction Report is enclosed for providing information to the Internal

Revenue Service regarding this sale. It would be appreciated if you would please complete this IRS form and return it to me in the enclosed envelope.

If you feel that you would prefer to meet and discuss this project and its effects to the property, please feel free to contact me. I would be glad to schedule a meeting with you to answer any questions you may have regarding this project and the offer of compensation. For your convenience I have enclosed my business card. You may call me "collect" at (603) 271-3222 between the hours of 7:30 AM and 3:00 PM. A message can also be left on my voice mail by calling 271-8350 anytime.

I appreciate your taking the time to review this information and to consider the Department's offer. I am optimistic that we will be able to reach an agreement regarding this acquisition. I look forward to hearing from you.

Sincerely,

William J. Dusavitch, Right-of-Way Agent

Bureau of Right-of-Way JOM Building Room 204 PO Box 483, 1 Hazen Drive Concord, NH 03302-0483

Tel: (603) 271-3222 Fax: (603) 271-6915



## CITY OF MANCHESTER

#### **Planning and Community Development**

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Heritage Commision
Millyard Design Review Committee

March 13, 2006

Committee on Lands and Buildings City Hall One City Hall Plaza Manchester, NH 03101

re: Land for Airport Access Road off Brown Avenue (TM713, Lot 1)

Honorable Committee Members:

Background: As part of their ROW acquisition for the new Airport Access Road, the New Hampshire Department of Transportation has submitted an offer to acquire a city-owned parcel of land located between the Merrimack River and Brown Avenue south of the Airport. The narrow, rectangular shaped, 0.82 acre property is about 520 feet long by 50 feet wide and is situated immediately west of a dense residential neighborhood generally consisting of Landsdown, Charlotte, Calvert, Ellingwood and Almeda Streets and Brown Avenue. This property's primary importance to the City is that (a) it acts to provide for the natural protection of the riverbank between Brown Avenue and the river, and (b) it provides neighborhood residents with immediate pedestrian access to the edge of the river with excellent views over and beyond that waterway.

Surplus Determination: For the reasons cited above, we would typically not advise disposing of city-owned lands situated along a major waterway. In the present case, however, our opinion is that if, after acquisition by the state, the public were to still be allowed access to the subject parcel, then the impact of its disposition would be greatly mitigated and we would, in this unique instance, recommend that it be determined to be surplus to city needs.

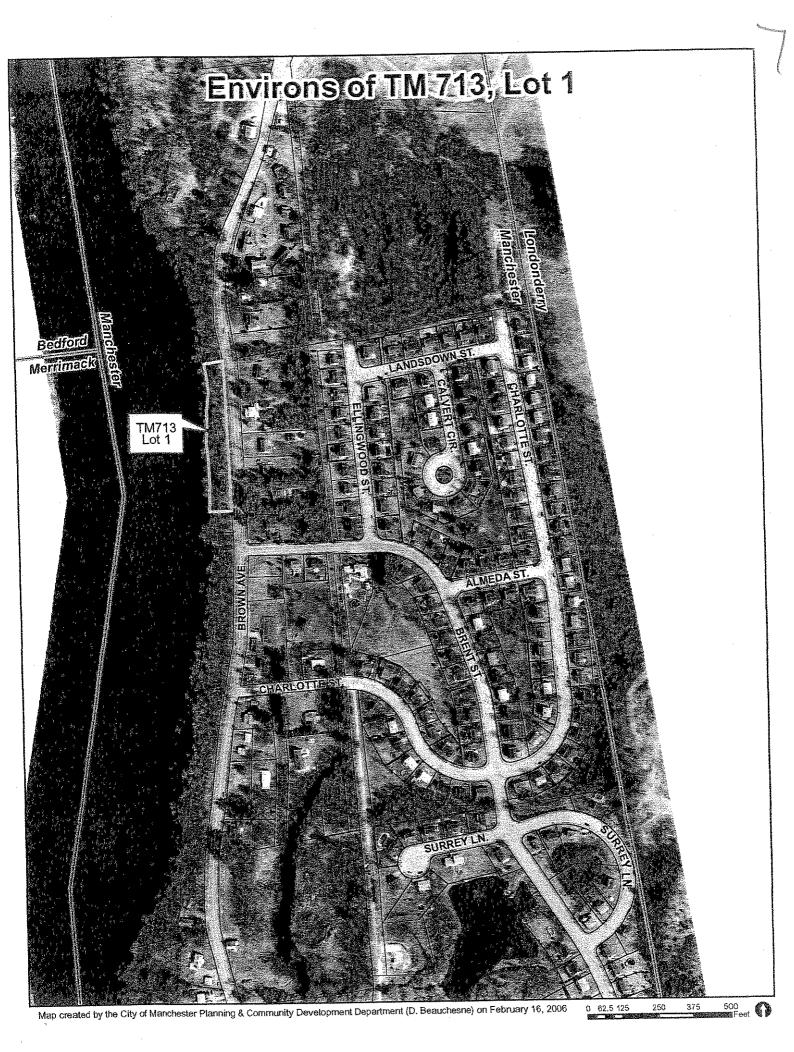
Method of Sale: Normal disposition would be by public sale. In this situation, however, given the broader public transportation need which the state is seeking to satisfy via their acquisition of the subject parcel, and given that the state could obtain the land by adverse possession, the Committee may find suitable public purpose for selling the property to the state.

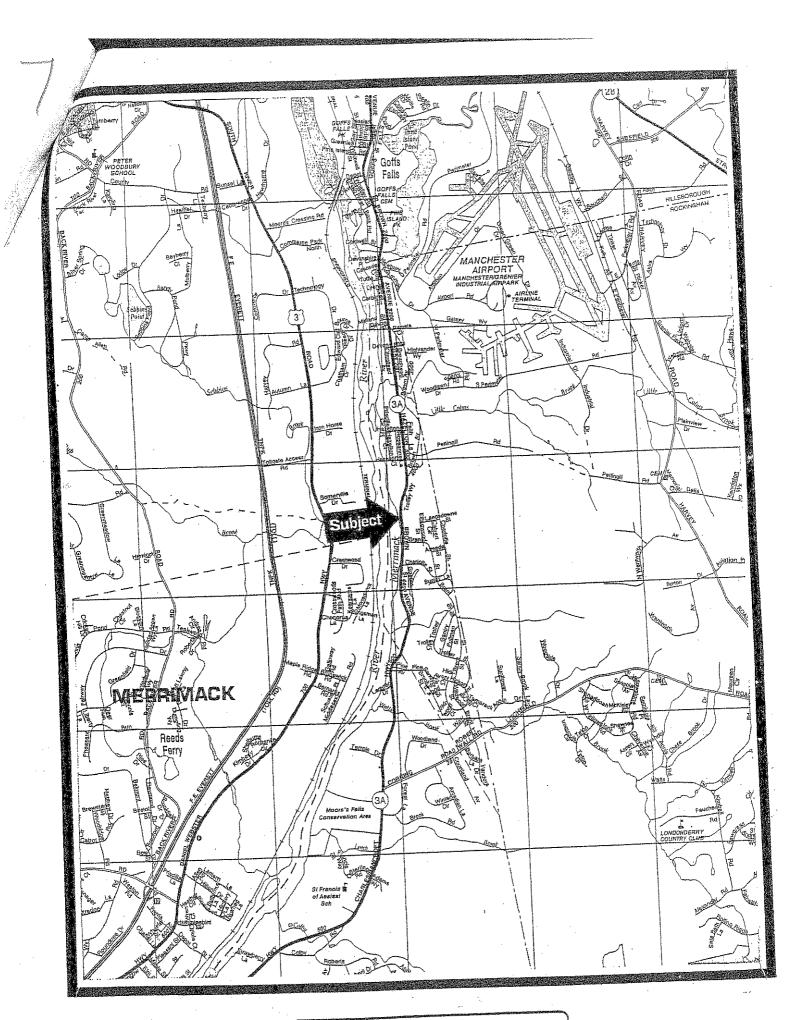
If there are any questions, staff will be available at the committee meeting.

Sincerely,

Robert S. MacKenzie, AICP

Director of Planning and Community Development





Neighborhood Map



# Manchester-Boston REGIONAL AIRPORT

**MEMORANDUM** 

DATE:

July 25, 2006

TO:

Tom Bowen-Water Works, Joan Porter-Tax

Collector, Bob McKenzie-Planning Department, Frank Thomas-Highway, Tom Clark-City Solicitor, David Cornell-Assessors Office, Leon LaFreniere-Building

Department, Leo Bernier-City Clerk

FROM:

Kevin Dillon, Airport Director

KAR

SUBJECT:

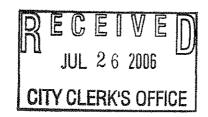
**Property Acquisitions** 

Attached is a draft memo to the Land & Buildings Committee outlining City/Airport properties that the State DOT would like to acquire. These properties are needed by the State for right-of-way and environmental mitigation purposes related to the Airport Access Road Project.

Could you please review the listing of properties to determine if your respective Department has any interest (i.e. utility easement, etc.) in these properties that will need to be considered as part of the sale. Also, I would ask that the City Clerk, Assessors, Planning Department and Tax Collector initiate any actions they feel necessary under the Surplus City Property Policy.

I am trying to bring this item before the Land & Buildings Committee on August 22, 2006. Accordingly, I would appreciate your response no later than August 11, 2006.

KAD/kc





Kevin A. Dillon, A.A.E. Airport Director One Airport Road Suite 300 Manchester, NH 03103-3395 Tel: 603-624-6539 Fax: 603-666-4101

www.flymanchester.com

14 July 2006

Alderman Henry Thibault, Chairman Land & Buildings Committee The City of Manchester One City Hall Plaza Manchester, NH 03101

Re: Certain Property Sales

Dear Honorable Chairman Thibault:

To comply with Federal Aviation Administration (FAA) rules and Regulations, I request your consent and approval to allow me, as Airport Director, to sell certain parcels of land to the New Hampshire Department of Transportation (NH DOT). The NH DOT wishes to purchase these parcels for the purposes of right-of-way easements and environmental mitigation as part of their proposed airport access road project. The Airport requires your consent to these transfers prior to our obtaining the requisite releases that satisfy our grant and surplus property conditions imposed by the Federal Government. The grant and surplus property conditions are associated with funding and land that we accepted from the Federal Government when the property was originally acquired. Please note that some of the properties we wish to release were acquired using only City of Manchester Funds. Further, two of the properties (NH DOT Parcel #s 815 and 5016) are properties owned by the City and not related to the Airport. Proceeds from the sale of these two properties will accrue to the City.

In order to sell any airport property, the Airport is obligated to obtain a Release Deed from the FAA. Among the requirements that the FAA has mandated on the release of property is that the governing body that owns the Airport adopt a resolution obligating itself to use the proceeds of all sales exclusively for the development and improvement of the Airport.

The properties to be released to the NH DOT and their associated requests that require your approval are described as follows:

1. NH DOT Parcel #s 70, 70-1, 70-2: The Airport requests the consent of the Board to allow the sale of certain undeveloped Airport properties located on Londonderry Tax Map 28/Lot 14, to NH DOT for right-of-way (ROW) and environmental mitigation (see attached Figure 1). The City acquired this land as surplus property from The United States Government on January 9, 1986. The total acreage to be released is 12.383 acres.

- 2. NH DOT Parcel #s 70A, 70A-1, 70A-2: The Airport requests the consent of the Board to allow the sale of certain undeveloped Airport properties located on Londonderry Tax Map 28/Lot 17-2, to NH DOT for ROW and environmental mitigation (see attached Figure 2). The City acquired this land as surplus property from The United States Government on September 27, 1962. The total acreage to be released is 17.066 acres.
- 3. NH DOT Parcel # 815: This property is owned by the City of Manchester, and is not related to the Airport. The Airport requests the consent of the Board to allow the sale of property located on Manchester Tax Map 713/Lot 1 (see attached Figure 3) to NH DOT for environmental mitigation. The total acreage to be released is .96 acres.
- 4. **NH DOT Parcel # 820**: The Airport requests the consent of the Board to allow the sale of property located on Manchester Tax Map 712/Lot 1B, to NH DOT for ROW (see attached Figures 3,4,5,6). The total acreage to be released is 3.01 acres.
- 5. NH DOT Parcel # 821: The Airport requests the consent of the Board to allow the sale of property located on Londonderry Tax Map 14/Lot 49, to NH DOT for ROW (see attached Figures 3 & 5). The total acreage to be released is .20 acres.
- 6. NH DOT Parcel # 1070: The Airport requests the consent of the Board to allow the sale of property located on Londonderry Tax Map 14/Lot 45-1 to NH DOT for environmental mitigation (see attached Figure 7). The Airport acquired this property under the Federal Aid Airport Program (FAAP) 9-27-018-C603 Funds. A portion of this property is the southern end of MHT Parking Lot G. The total acreage to be released is 5.130 acres.
- 7. **NH DOT Parcel # 2083:** The Airport requests the consent of the Board to allow the sale of property located on Londonderry Tax Map 14/Lot 19 to NH DOT for environmental mitigation (see attached Figure 8). The Airport acquired this property under the FAAP 9-27-018-C605 Funds. The total acreage to be released is 2.39 acres.
- 8. NH DOT Parcel # 2110: The Airport requests the consent of the Board to allow the sale of vacant property located at 203 Hazelton Ave., and on Manchester Tax Map 866/Lot 63 to NH DOT (see attached Figure 9) for environmental mitigation. The total acreage to be released is .270 acres.
- 9. **NH DOT Parcel # 2110A:** The Airport requests the consent of the Board to allow the sale of vacant property located at 203 Hazelton Ave., and on Manchester Tax Map 866/Lot 63A to NH DOT (see attached Figure 9) for environmental mitigation. The total acreage to be released is .150 acres.
- 10. NH DOT Parcel # 2112: The Airport requests the consent of the Board to allow the sale of vacant property located at 205 Olmstead Ave., and on Manchester Tax Map 866/Lot 64 to NH DOT (see attached Figure 10) for environmental mitigation. The total acreage to be released is .505 acres.

- 11. NH DOT Parcel # 2114: The Airport requests the consent of the Board to allow the sale of vacant property located at 233 Hazelton Ave., and on Manchester Tax Map 866/Lot 38 to NH DOT (see attached Figure 11) for environmental mitigation. The total acreage to be released is .253 acres.
- 12. **NH DOT Parcel** # **5009B:** The Airport requests the consent of the Board to allow the sale of undeveloped vacant property located on Manchester Tax Map 711/Lot 55 to NH DOT (see attached Figure 12) for environmental mitigation. The City acquired this land as surplus property from the United States Government on June 12, 1975. The total acreage to be released is .3.71 acres.
- 13. **NH DOT Parcel** # **5015**: The Airport requests the consent of the Board to allow the sale of vacant property located at 3653 Brown Ave., and on Manchester Tax Map 711/Lot 6 to NH DOT (see attached Figure 13) for environmental mitigation. The total acreage to be released is .69 acres.
- 14. NH DOT Parcel # 5016: This property is owned by the City of Manchester, and is not related to the Airport. The Airport requests the consent of the Board to allow the sale of the undevelopable vacant property located at Hazelton Ave. on Manchester Tax Map 866/Lot 36 to NH DOT (see attached Figure 14) for environmental mitigation. The total acreage to be released is .598 acres.
- 15. **NH DOT Parcel # 5018:** The Airport requests the consent of the Board to allow the sale of vacant property located at 243 Hazelton Ave., and on Manchester Tax Map 866/Lot 37 (see attached Figure 15) for environmental mitigation. The total acreage to be released is .379 acres.
- 16. NH DOT Parcel # 5032: The Airport requests the consent of the Board to allow the sale of undevelopable property located on Londonderry Tax Map 28/Lot 21-11 (see attached Figure 16) for environmental mitigation. The total acreage to be released is 10.616 acres.

These properties are in excess to Airport needs.

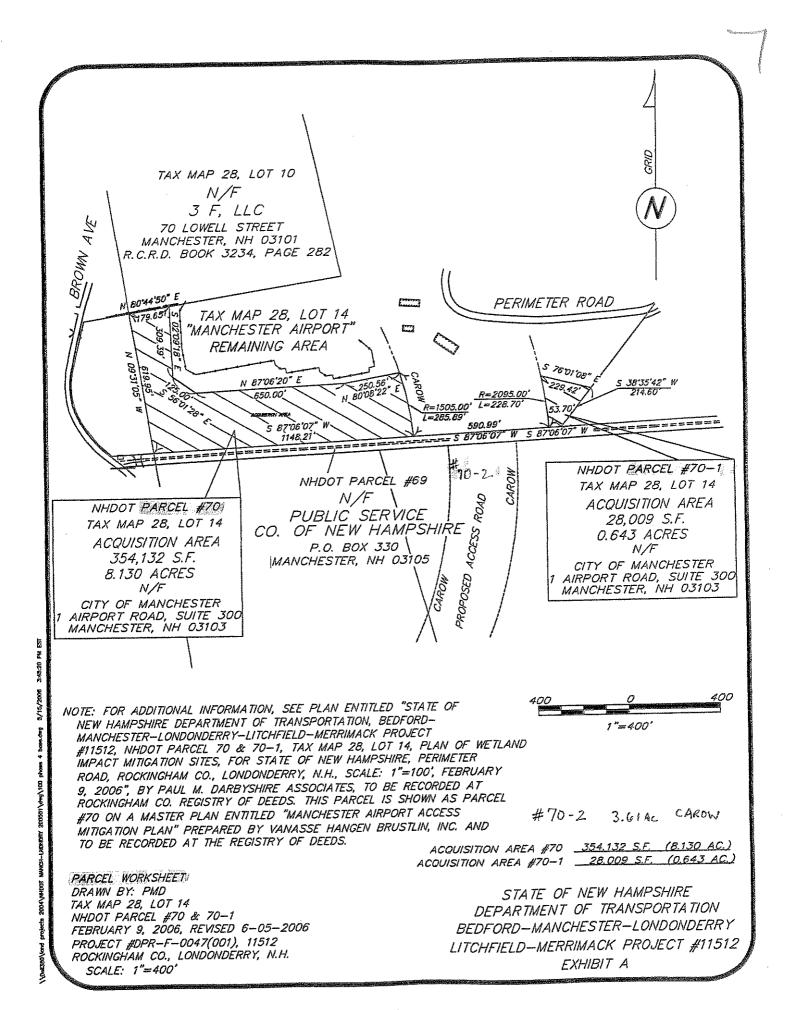
I will be available to answer your questions at the next Land and Buildings Meeting scheduled for August 22, 2006. I thank you for your consideration of this important request.

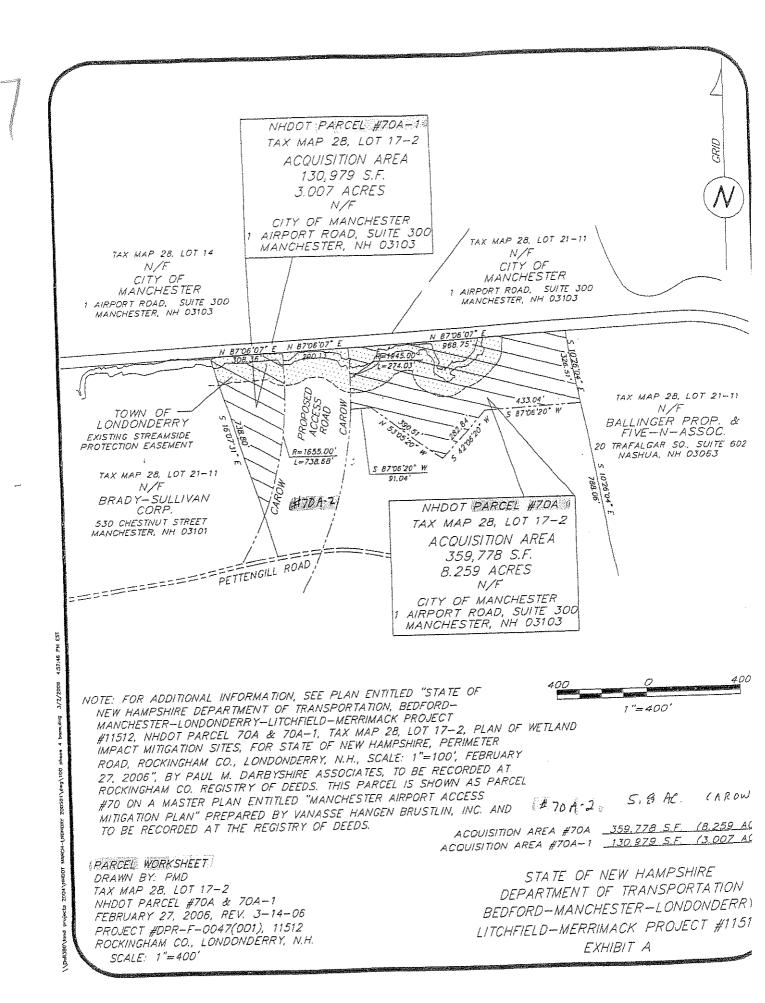
Sincerely,

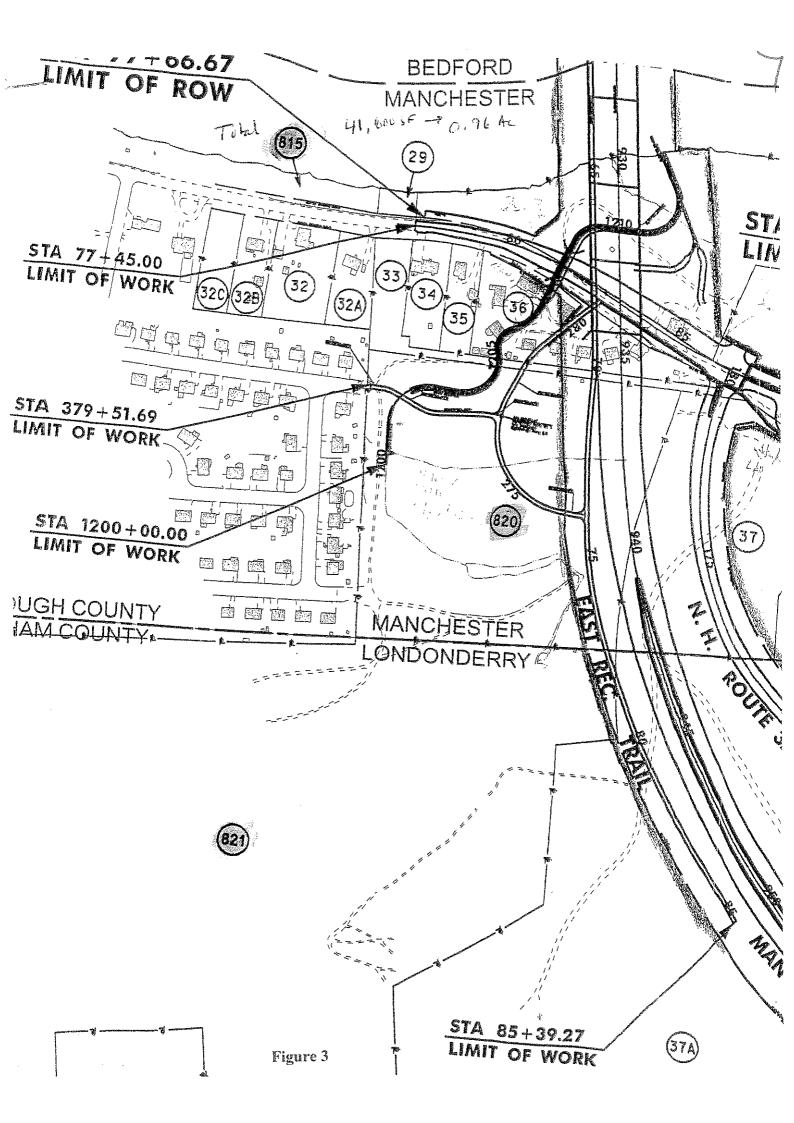
Kevin A. Dillon, A.A.E. Airport Director

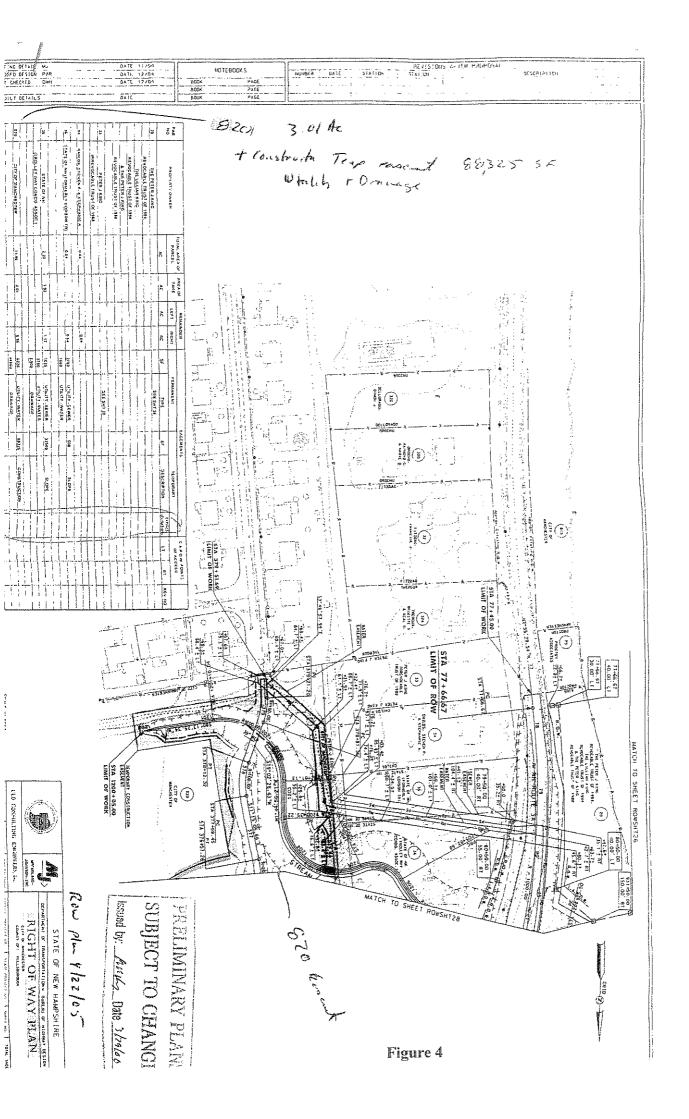
KAD/jjh

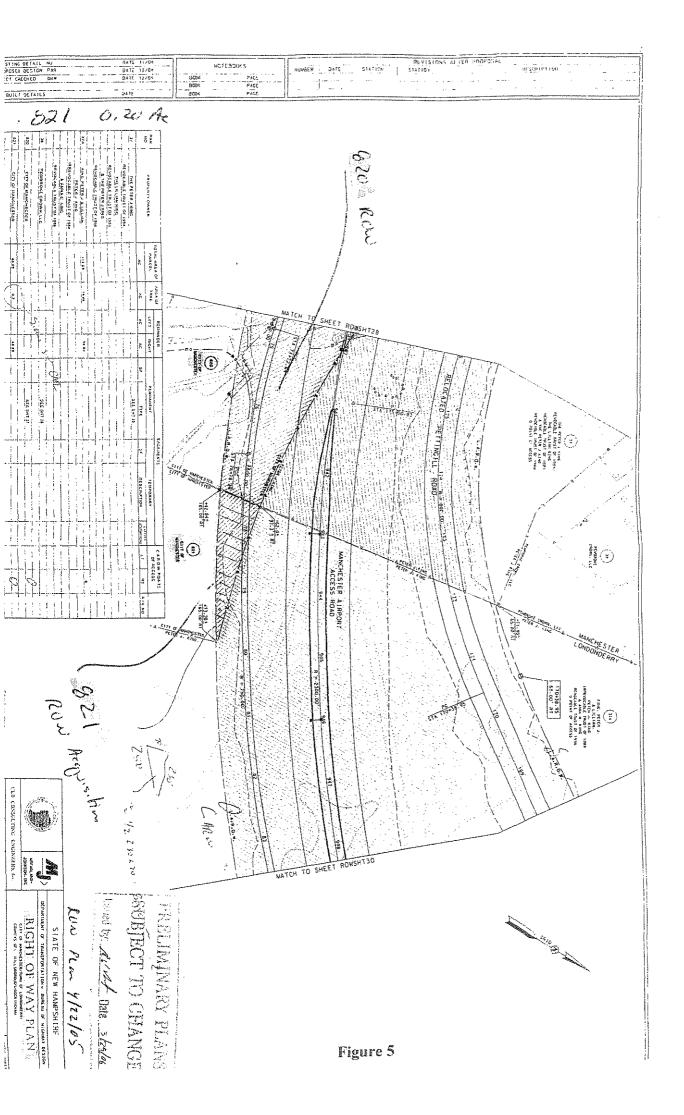
C: Richard Fixler, MHT

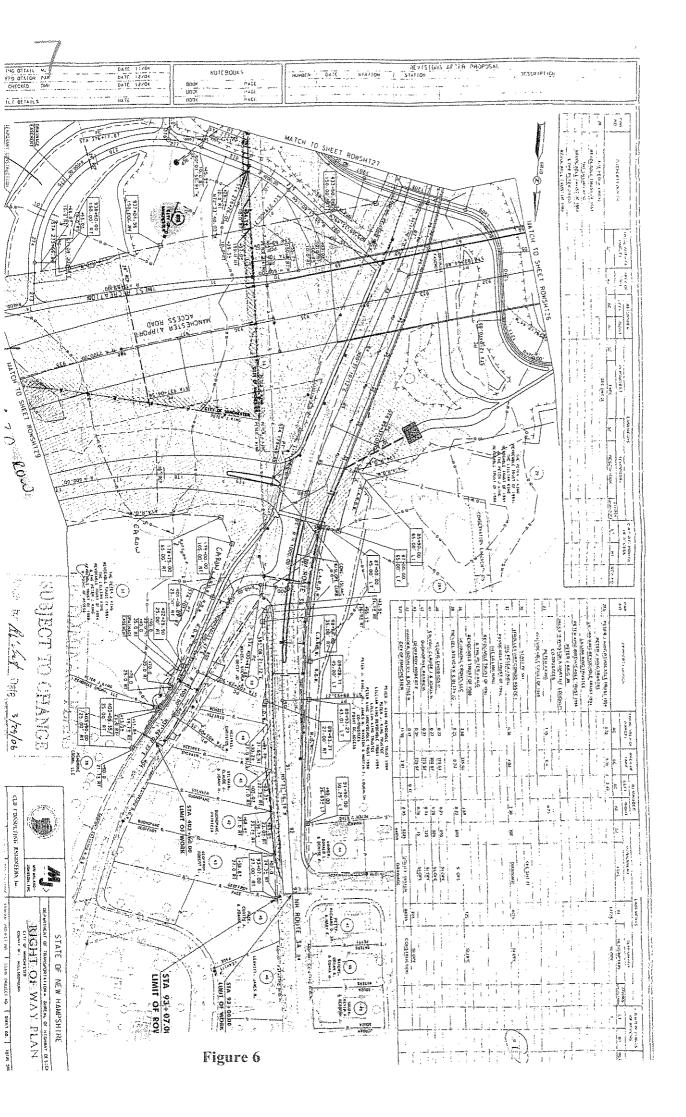


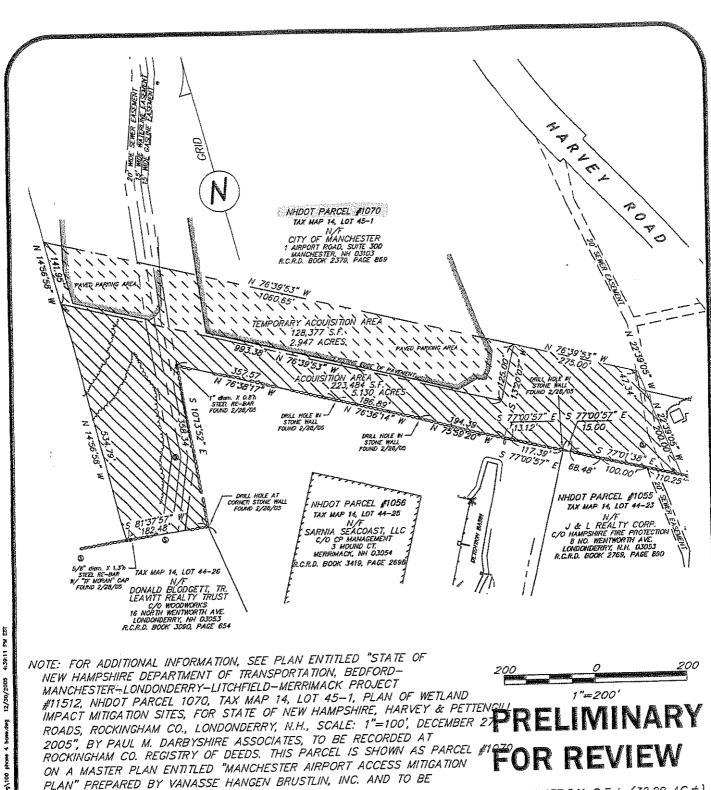












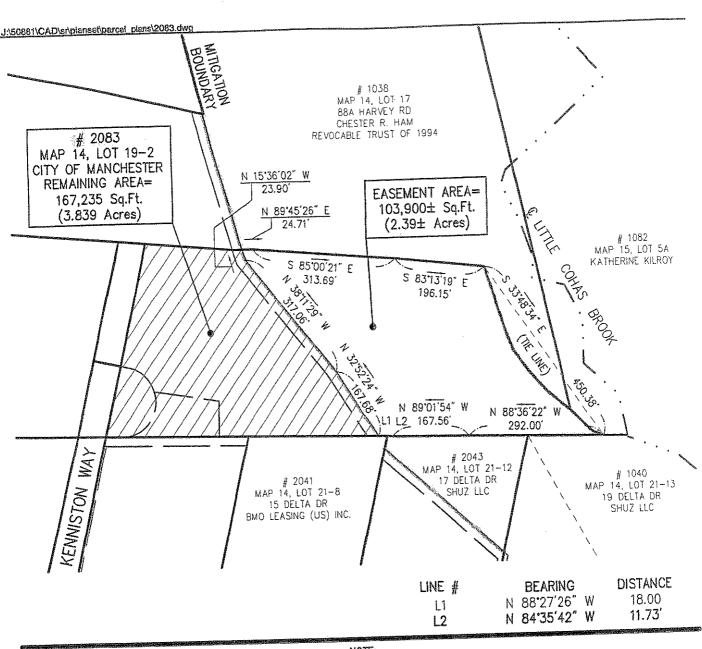
RECORDED AT THE REGISTRY OF DEEDS. 1.437.241 TOTAL AREA

128.377 S.F. (2.947 AC.) TEMPORARY ACQUISITION AREA 223,484 S.F. (5.130 AC.) ACQUISITION AREA 1.085.400 S.F.± (24.9AC.±) REMAINING AREA

PARCEL WORKSHEET DRAWN BY: PMD TAX MAP 14, LOT 45-1 NHDOT PARCEL #1070 DECEMBER 27, 2005 PROJECT #DPR-F-0047(001), 11512 ROCKINGHAM CO., LONDONDERRY, N.H. SCALE: 1"=200"

2004\N9DOT

STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION BEDFORD-MANCHESTER-LONDONDERRY LITCHFIELD-MERRIMACK PROJECT #11512 EXHIBIT A



MANUS REAL RESERVE BARRE BAR

EASEMENT **BOUNDARY** 

REMAINING CITY OF MANCHESTER LAND VHB FIELD SURVEYED PROPERTY BOUNDARY

# 1020

NHDOT PARCEL DESIGNATION

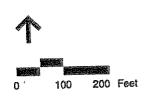
MAP 12, LOT 18

ASSESSOR DESIGNATION

- 1) THIS PARCEL IS SHOWN AS PARCEL #2083 ON MASTER PLAN PREPARED BY VANASSE HANGEN BRUSTLIN, INC. TO BE RECORDED AT THE REGISTRY OF DEEDS.
- 2) PARCEL AREA OBTAINED FROM RECORD PLAN #30302.

TOTAL AREA =  $271,135\pm$  Sq.Ft. (6.2± Acres) EASEMENT AREA = 103,900± Sq.Ft. (2.39± Acres) REMAINING AREA = 167,235 Sq.Ft. (3.839 Acres)

#### Vanasse Hangen Brustlin, Inc.



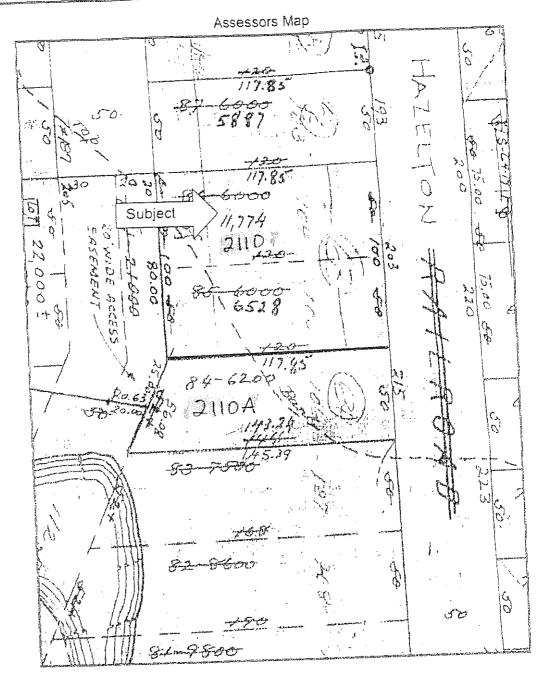
Parcel Worksheet City of Manchester

Map 14 Lot 19-2 Parcel #2083

December 15, 2004 Revised: August 2, 2005

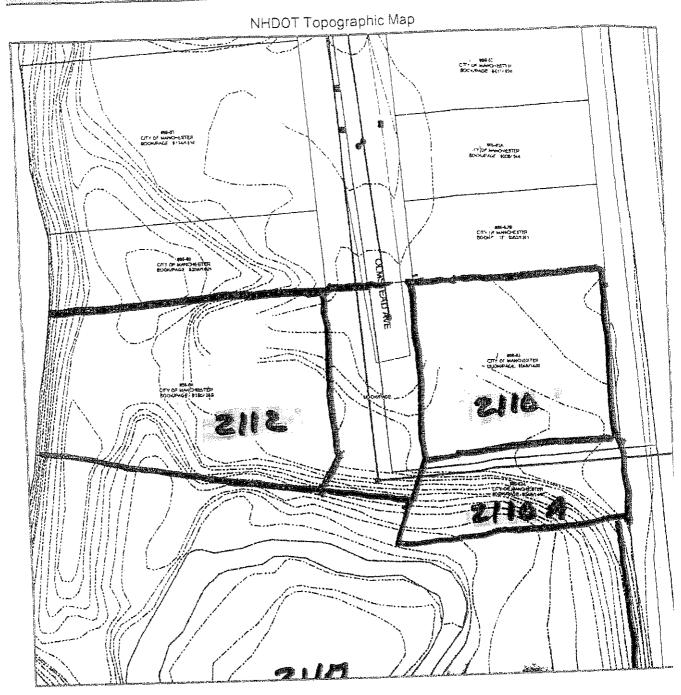
Project #DPR-F-0047(001), 11512 Londonderry, New Hampshire





EVERGREEN APPRAISALS

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EVERGREEN APPRAISALS



EVERGREEN APPRAISALS

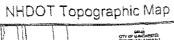
NHDOT PARCEL #5009A MANCHESTER TAX MAP 710, LOT 1A N/F AIRPORT AUTHORIT MANCHESTER (PER CITY RECORDS) NHDOT PARCEL #5009B N 80'44'50" MANCHESTER LONDONDERRY TAX MAP 28, LOT 14 N/F CITY OF MANCHESTER 1 AIRPORT ROAD, SUITE 300 MANCHESTER, NH 03103 1"=200 TOTAL AREA 161,625 S.F. (3.710 AC.) ACQUISITION AREA \_\_161.625 S.F. (3.710 AC.)

SCALE: 1"=200"

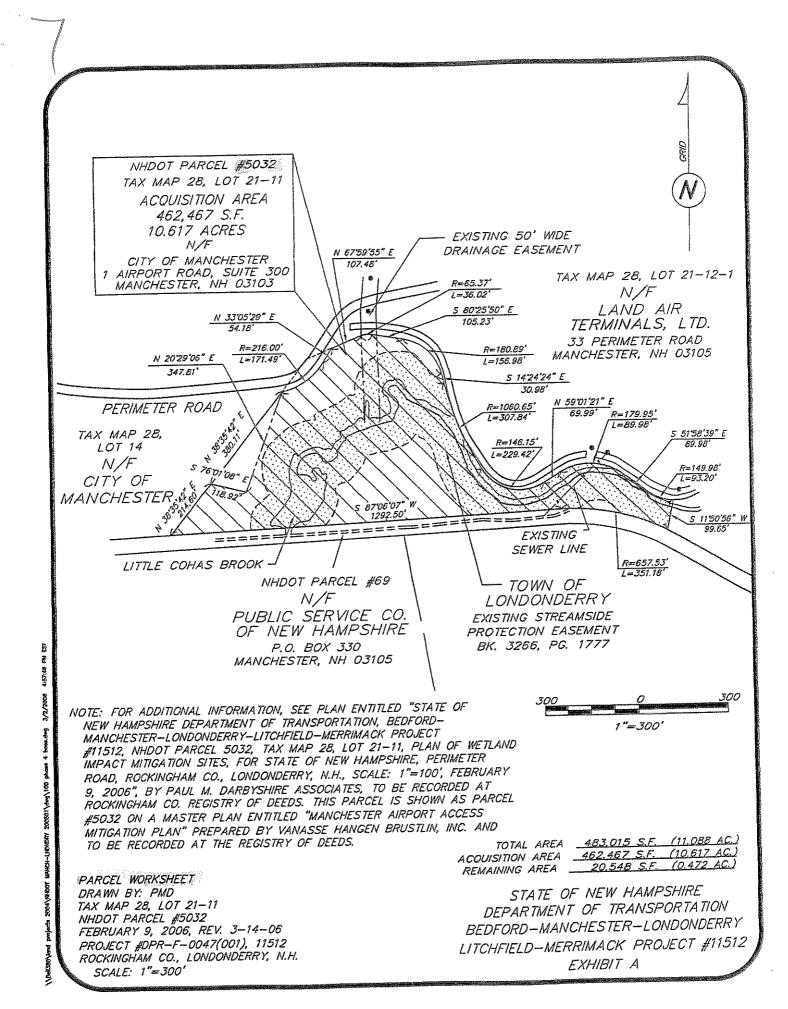


EVERGREEN APPRAISALS

Owner: City of Manchester









# CITY OF MANCHESTER Board of Assessors

One City Hall Plaza, West Wing Manchester, New Hampshire 03101 Tel: (603) 624-6520 – Fax: (603) 628-6288 Email: <a href="mailto:assessors@ci.manchester.nh.us">assessors@ci.manchester.nh.us</a> Web: <a href="https://www.ManchesterNH.Gov">www.ManchesterNH.Gov</a>



David M. Cornell, Chairman Thomas C. Nichols Stephan W. Hamilton

Christine Hanagan Assistant to Assessors

To:

Committee on Lands and Buildings

From:

Board of Assessors

Date:

August 14, 2006

Re:

Airport Property Acquisitions

#### Dear Committee Members:

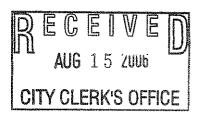
The Board of Assessors has reviewed the sixteen properties that the New Hampshire Department of Transportation (NH DOT) would like to acquire relating to the Airport Access Road Project. Of the sixteen properties, ten are located within the City of Manchester. It is our understanding that the NH DOT will be performing the appraisals on these properties. Upon completion, the Board of Assessors will review the appraisals in accordance with the Surplus City Property Policy.

We remain available to answer any questions that you may have regarding this matter.

Sincerely,

David M. Cornell, CNHA

David M. Comel

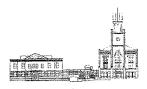




## CITY OF MANCHESTER

#### Planning and Community Development

Planning Community Improvement Program Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

August 16, 2006

Director

Committee on Lands and Buildings City Hall One City Hall Plaza Manchester, NH 03101

re: Proposed sale of City-owned properties to NHDOT as part of the Airport Access Road project

Honorable Committee Members:

In order to facilitate required R.O.W. easements and environmental mitigation needs associated with construction of the new Airport Access road, the Airport Director has requested permission to sell eighteen city-owned vacant parcels of land located near the Airport to the NHDOT. Eight of the parcels are situated in Londonderry and ten parcels are located in Manchester. Only two of the parcels (TM713, Lot 1 & TM 866, Lot 36 – see attached map) are not controlled by the Airport Authority. Because federal rules mandate that all funds gained from the sale of properties under the control of the Airport be used exclusively for the development and improvement of the Airport, only funds associated with the sale of TM 713, Lot 1 and TM 866, Lot 36 will accrue to the City.

In a letter to the Committee, dated March 13, 2006, we previously commented on the proposed sale of TM 713, Lot 1, to the NHDOT for the same purpose to which it is currently being proposed. At that time we noted that the 0.82 acre lot (a) provided for the natural protection of the riverbank between Brown Avenue and the river, and (b) provided neighboring residents with immediate access to the edge of the river with excellent views over and beyond that waterway. At that time our concern was that, if NHDOT were to gain ownership of the parcel from the City, then a stipulation of such sale should require that the property be used for environmental mitigation and that residents be allowed continued access to the property for passive recreational purposes. We would note, in this regard, that NHDOT's stated use for this property is specifically for environmental mitigation.

<u>Surplus Determination</u>: Because the sale of lands associated with this request (a) have been reviewed and are acceptable to the NHDOT for the above stated reasons, (b) brings the development of the Airport Access Road closer to final realization, and, thus, (c) serves an important public purpose, we recommend that all of the parcels owned by the City and associated with this request be declared surplus to City needs.

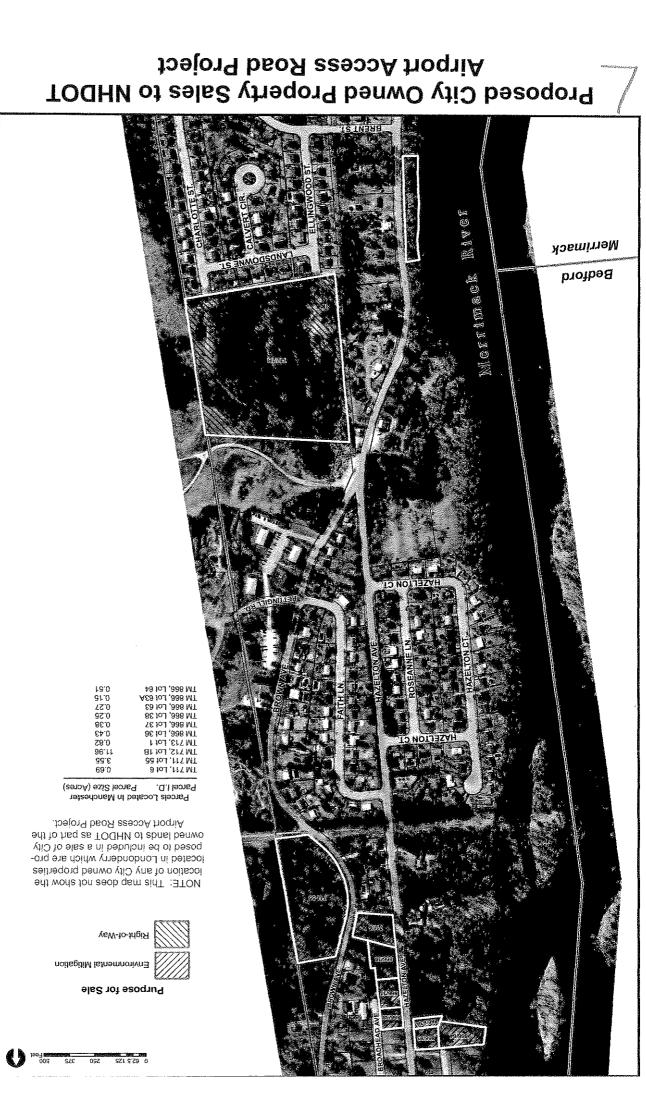
Manner of Sale: Because of the public purpose of the Airport Access Road, it would be appropriate to sell the above land to the NHDOT.

If there are any questions, staff will be available at the committee meeting.

Sincerely,

Robert S. MacKenzie, AICP

Director of Planning and Community Development





# CITY OF MANCHESTER

# Manchester Economic Development Office



IN BOARD OF MAYOR & ALDERMEN

DATE: November 15, 2005

ON MOTION OF ALD. Thibault

SECONDED BY ALD. DeVries

refer to the Committee on VOTED TO Lands and Buildings.

November 9, 2005

Honorable Board of Mayor and Aldermen C/o City Clerk One City Hall Plaza Manchester NH 03101

Honorable Members of the Board:

As you know, the Manchester School District has moved its headquarters from Ash Street School to the Millyards. In anticipation of the district returning the building to the City, discussions with Amoskeag Industries regarding the reuse of the property have been convened. The building was constructed by the City of Manchester. Reverter rights to the underlying land are held by Amoskeag Industries.

These discussions found that the highest and best use of this visible property along Bridge Street, a gateway arterial on the edge of the Downtown District, would be a landscaped, historic headquarters office facility. It was recommended that covenants requiring that the historic structure and grounds be enhanced and preserved be established. There appears to be private interest in this property for this use. To accomplish this purpose, the property could be marketed and sold competitively with the proceeds shared by the City of Manchester and Amoskeag Industries in accordance with their respective interest in the property. To this end, Amoskeag Industries is securing an appraisal for the parcel.

Further, it was suggested that the Manchester Development Corporation (MDC) might be equipped to market the property for private purchase and restoration and the MDC Board expressed an interest in doing so if requested by the Board of Mayor and Alderman (BMA). To date, the city has not received notice from the School District turning the building over to the City. We will keep the BMA apprised of actions and await the BMA's direction with regard to re-use of this property.

Sincerely,

Paul J. Borek

Director

#### RECEIVED MANCHESTER CITY CLERK

## Manchester School District

School Administrative Unit No. 37 286 Commercial Street, Manchester, NH 03101 Tel: 603.624.6300 • Fax: 603.624.6337



DEC 2 0 2005

CITY SOLICITOR'S OFFICE

'05 DEC 20 A10:27

Michael Ludwell, Ph.D. Superintendent of Schools

Henry J. Aliberti Jr., Ed.D.

Assistant Superintendent

Elementary Education

Frank G. Bass, Ph.D. Assistant Superintendent Secondary Education Karen G. Burkush
Assistant Superintendent
Student Services

William E. Sanders Chief Financial Officer

TO:

Thomas Arnold

Deputy City Solicitor

FROM:

William Sanders

Chief Financial Officer

DATE:

December 19, 2005

SUBJECT:

Ash Street Building

This letter serves to advise that on December 12, 2005 the Board of School Committee passed the attached resolution related to returning the Ash Street School to the City of Manchester. Attached is a letter from the School Board Clerk regarding the matter.

Please advise what additional information or documentation, if any, is required to complete this process.

Cc: Michael Ludwell, Ph.D., Superintendent

Board of School Committee

Mr. Tim Clougherty Mr. Kevin Sheppard

Mr. Frank Thomas

BOARD OF MAYOR & ALDERMEN

DATE: January 17, 2006

ON MOTION OF ALD. Long

SECONDED BY ALD. Osborne

VOTED TO refer to the Committee on Lands and Buildings and forward letter to School Board.

CITY OF EDM



### Manchester School District

School Administrative Unit No. 37 286 Commercial Street, Manchester, NH 03101 Tel: 603.624.6300 • Fax: 603.624.6337

#### Michael Ludwell, Ph.D.

Superintendent of Schools

Henry J. Aliberti Jr., Ed.D. Assistant Superintendent Elementary Education

Frank G. Bass, Ph.D. Assistant Superintendent

Secondary Education

Karen G. Burkush Assistant Superintendent Student Services

William E. Sanders Chief Financial Officer

TO:

William Sanders

Chief Financial Officer

FROM:

Suzanne Sears

Suzanne Or Sears

DATE:

December 15, 2005

SUBJECT:

Ash Street Building

At the Board of School Committee meeting held on Monday, December 12, 2005, a motion was made and seconded to accept a minority report regarding the Ash Street School Building from the Building and Sites Committee. The motion passed by majority vote; Comm. Beaudry, Langton, and Labanaris voted in opposition to the motion.

A motion was made by Comm. Herbert and seconded by Comm. Kelley to accept the Administration's proposal that the Board return the Ash Street School Building back to the City. The motion passed by a majority vote of 9-4. Those voting in favor of the motion were Vice-Chair Stewart and Committee Members Scott, Herbert, Soucy, Gelinas, Cote, Ouellette, Kelley, and Donovan. Those voting in opposition of the motion were Committee Members Beaudry, Langton, Labanaris, and Kruse.



## CITY OF MANCHESTER

#### Planning and Community Development

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Heritage Commision
Millyard Design Review Committee

February 15, 2006

Committee on Land and Buildings Honorable Board of Mayor and Aldermen City Hall - One City Hall Plaza Manchester, N.H. 03101

RE: Ash Street School

Dear Committee Members:

This is to provide a report pursuant to Section 34.20 pertaining to the above-referenced city-owned land and building.

**Background:** This property, located on the northeast corner of Bridge and Maple Streets, was first used as a school and then subsequently as a school administration building. School administration has since moved to another location and has determined the property surplus to their needs. The property is listed on the National Register of Historic Places. In addition, Amoskeag Industries retains reverter rights on the land portion of the property. A portion of any proceeds, therefore, would go to Amoskeag and preliminary meetings have been held in this regard.

Surplus Determination and Disposition: It is the recommendation of the Planning & Community Development Department that the property is surplus to City needs and may be disposed of through public sale. We would recommend that the Board attach a condition that future uses retain the historic character of the building, given its National Register status. I would note that this would not preclude an addition to the rear or side of the building. We would also encourage (but not require) that the property on the side facing the corner of Bridge and Maple Streets be landscaped. It is expected that the best use of the property may be for commercial office and that the zoning may need to be reviewed to allow this use.

If you have any questions, our staff will be available at your meeting.

Sincerely.

Robert S. MacKenzie, AICP

Director of Planning and Community Development

RECEIVED
FEB 1 5 2006
OI CITY CLERK'S OFFICE